

UNIVERSIDADE DE LISBOA
FACULDADE DE LETRAS



ANSCOMBE UNDER A DESCRIPTION

PEDRO FERRÃO DA COSTA

Tese orientada pelo Prof. Doutor Miguel Tamen, especialmente elaborada para a obtenção do grau de Mestre em ESTUDOS DE LITERATURA E CULTURA e TEORIA DA LITERATURA.

2016

ACKNOWLEDGEMENTS

If anyone who can boast of having a few true friends is lucky, I have been blessed. I want to thank António Arruda, Raimundo Henriques, Inês Ramos and Simão Tavares for their true friendship and support.

I want to thank all those at St. Thomas' School who have eased my way through the last troubled months, especially Sílvia Aguiar, Sandro Barão, Cláudia Barata and Susana Ferreira. Above all, I want to thank Maria Amorim and Bruno Silva, both of whom chose to use their power to bind and loose me in my advantage rather than theirs. I also want to thank them for having taught me what connatural knowledge of goodness means and what those are like for whom virtue is second nature.

I want to thank those of my students with whom I have discussed in children's language many of the problems I discuss here in grown-up dialect. I have especially profited from conversations with Gonçalo Costa, Bernardo Lima and Maria Pereira. Most of all, I want to thank one I shall never forget, Diana Santos, who has taught me more than she can ever imagine.

I want to thank and apologize to my family: my parents, Lúcia and Rui, my sister Catarina and my brother Rafael, who have loved me unconditionally and cared for me in a time when I could not return their love and care as fully as they deserve. All this is also true of Inês Apolinário, whom I thank for everything, everything.

I would, finally, express the deepest gratitude to my advisor, Professor Miguel Tamen, Father João Seabra, and that extraordinary woman to whom I literally owe everything I have. I dedicate this work to her.

RESUMO

Os talentos de Elizabeth Anscombe como filósofa são universalmente reconhecidos no que diz respeito às obras que desenvolveu em áreas como a metafísica e a filosofia da acção. Quando se trata, contudo, do que escreveu sobre ética isto deixa de ser verdade. Embora o seu ensaio de 1958, “Modern Moral Philosophy”, tenha tido uma influência significativa na filosofia moral do seu tempo, considerando-se aliás que promoveu um interesse renovado no estudo das virtudes, os seus ensaios sobre questões práticas foram quase esquecidos. Quando referidos, são condenados e postos de parte como pregações. Defenderei que o facto de Anscombe ser Católica não influencia em nenhum aspecto essencial a sua ética: os pontos fortes que tem como filósofa estão tão à vista nesta área quanto em qualquer outra. Recorrerei a “Modern Moral Philosophy”, *Intention* e aos ensaios de ética aplicada. Quando conseguirmos compreender o ponto do primeiro e de ver a luz que o segundo deita sobre conceitos como os de ‘intenção’ e ‘voluntariedade’, seremos capazes de apreciar a profundidade e importância do que Anscombe tem para dizer sobre coisas como o aborto, a eutanásia ou o roubo.

Palavras-chave: Elizabeth Anscombe; Igreja Católica; filosofia da acção; ética.

ABSTRACT

Elizabeth Anscombe's talents as a philosopher are universally recognised in what regards her works in such areas as metaphysics and the philosophy of action. When we come, however, to what she wrote on ethics this ceases to be true. Though her 1958 essay "Modern Moral Philosophy" had a significant influence on the moral philosophy of its time, being in fact credited with having promoted a renewed interest in the study of virtues, her essays on practical issues were almost forgot. When mentioned at all, they are condemned and dismissed as preaching. I shall argue that the fact that Anscombe was a Roman Catholic does not influence in any essential respect her ethics: her strengths as a philosopher are as much open to view in this area as in any other. In order to prove this I will draw on "Modern Moral Philosophy", *Intention* and her applied ethics. Once we understand the point of the first and see the light the second sheds on such concepts as 'intention' and 'voluntariness' we will be able to appreciate the depth and importance of what she has to say on such things as abortion, euthanasia or theft.

Key-words: Elizabeth Anscombe; Catholic Church; philosophy of action; ethics.

RESUMO

Quando Sir Anthony Kenny, que era então ainda padre, quis publicar a sua tese de doutoramento, foi preciso que pedisse a permissão das autoridades eclesiásticas: a tese teria de ser lida, censurada e, se não contivesse nada objectável do ponto de vista moral e doutrinário, aprovada e enviada. Se se abrir o livro, publicado como *Action, Emotion and Will* pela editora Routledge & Kegan Paul, não encontraremos, contudo, qualquer traço de um tal processo. A razão por que assim é tem que ver com o facto de Kenny ter visto “que um *nihil* obstat de um censor seria um beijo de morte para um livro publicado para o mercado secular”¹.

Ignoro se a pouca influência que o livro de Kenny teve na literatura filosófica subsequente teve por causa o facto de toda a gente saber que Kenny era padre ou porque se achou apenas que o livro era desinteressante. A clareza de espírito de Kenny ao ver que o seu livro morreria assim que fosse dado à luz se a sua pertença à Igreja Católica fosse manifestamente afirmada, contudo, mostra por que razão as obras de G. E. M. Anscombe sobre foram sentenciadas a um esquecimento quase completo. Com efeito, apesar do facto de que tal tem vindo a mudar nos últimos anos, se havia quem escrevesse de todo sobre tais obras, quem o fazia fazia-o para as condenar. Bernard Williams e Michael Tanner, por exemplo, chegaram ao ponto de dizer que quando escrevia sobre filosofia moral Anscombe vestia “um colete de forças teológico” e que *pregava* um “empobrecimento da vida”².

¹ Ver a introdução de Kenny à edição de 2003, ix (tradução minha).

² “Comment on ‘On Chastity and Contraception’”, *The Human World*, 9, 1971. Quoted in FHG, xviii (tradução minha).

Dado o imenso tableno filosófico de Anscombe e a enorme influência de *intention* e “Modern Moral Philosophy”, tal é inexplicável. Estaria ela tão cega pela doutrina da Igreja ao escrever sobre moral que abandonava a filosofia para pregar? Tal não é menos estranho do que é falso. É, aliás, o resultado de preconceito e uma prova das consequências perniciosas que o preconceito pode ter na inteligência. Anscombe era, de facto, católica, e uma católica combativa, mas tal significa apenas que temos de encontrar a maneira certa de a ler sob a descrição “uma filósofa católica”.

O ponto do que se segue é precisamente o de mostrar como tal deve ser feito. Se é prejudicá-la rejeitar as suas obras porque era católica, não é também fazer justiça aos seus feitos explicar o que tinha para dizer sobre moral como *reflectindo* as suas crenças. Isto seria também, de facto, prejudicá-la, no sentido em que se trata de uma compreensão superficial dos seus escritos, que são profundos, difíceis e importantes.

Os ensaios morais de Anscombe não são uma série de argumentos facciosos em prol de quaisquer artigos de fé decretados pela Santa Sé. Com efeito, não podemos sequer dizer que as suas crenças sobre moral se sigam seja de que maneira for das suas crenças religiosas. Anscombe não acreditava que a doutrina moral da Igreja é verdadeira por ser Católica; é antes o inverso que é verdade: Anscombe converteu-se ao catolicismo porque acreditou na verdade do que a Igreja tem para ensinar. Para além disso, uma vez que a própria Igreja concebe a sua doutrina moral como sendo acessível à razão, e em tal medida que qualquer verdade revelada sobre moral poderia ter sido obtida sem revelação, segue-se que qualquer pessoa que rejeite a fé religiosa pode, ainda assim, aceitá-la. Neste sentido, é possível dizer que as ideias de Anscombe não têm *essencialmente* nada que ver com o seu catolicismo: poderia, por assim dizer, ter aceitado a doutrina moral sem adquirir o pacote completo.

A provar a verdade da minha alegação procurarei mostrar que qualquer referência ao Catolicismo deverá ocorrer num momento muito tardio de qualquer descrição da filosofia moral de Anscombe. Tanto assim é que, quando se tornar pertinente fazer uso do Catolicismo, a formulação e justificação de códigos morais não fará já parte das nossas preocupações imediatas. Além disso, aquilo que será pertinente será mais geral do que o Catolicismo. Uma descrição adequada do que quero dizer seria: ‘crança numa entidade sobrenatural possuindo poderes legislativos, executivos e judiciais’. Esta descrição de Deus é característica, mas não é específica, do Catolicismo.

O argumento pode ser artificialmente dividido em quatro grupos principais de secções, como se segue:

§§1–10: o ponto principal é o de compreender “Modern Moral Philosophy”. O facto de enunciar três teses faz com que seja difícil ver que ponto, se há um ponto, se procura provar. Para o clarificar procurarei mostrar que a leitura habitual do ensaio não é adequada, uma vez que falha a resolução de dois problemas: o facto de que Anscombe era católica e o facto de que continuou a escrever sobre ética apesar de ter dito que deveríamos expulsá-la das nossas preocupações. A centralidade do conceito de ‘prosperidade humana’ para a compreensão da ética anscombeana tornar-se-á evidente.

§§11–15: o ponto principal serão os ensaios de Anscombe sobre, à falta de melhor termo, ética prática. §11 introduz a doutrina do duplo efeito, que apesar de muito importante em sentido próprio, é-o ainda mais pelo facto de ser frequentemente mal entendida. Outro princípio crucial é mencionado pela primeira vez neste grupo: a doutrina de S. Paulo segundo a qual não devemos fazer o mal para que venha o bem.

A relação entre o bem e o mal, a virtude e a prosperidade humana começa também a ser explicada. Em §15 tomamos o assassinato como estudo de caso.

§§16–23: o ponto principal tem que ver com problemas pertencentes à filosofia da mente (ou da acção, ou da psicologia, para usarmos o termo de Anscombe). Em §16 descrevemos a teoria de Anscombe sobre intenção e, a partir de §17, ‘voluntariedade’ será o conceito principal, §21 terminando com uma definição formal de tal conceito. Passaremos então a uma discussão sobre condições de imputabilidade. Tal tem como origem dois problemas levantados por Hume.

§§24–34: o ponto principal tem que ver com os conceitos de bem e mal. Uma descrição da lei natural é necessária, a qual requer uma descrição da natureza humana. Tal descrição é feita nos termos da leitura que Anscombe faz do argumento de Aristóteles sobre o conceito de ‘*ergon*’, o qual produz três descrições de seres humanos: *qua* corpos, *qua* corpos racionais e *qua* espíritos. O bem específico da natureza humana descrita *qua* espírito é o que importa no que diz respeito à moral. Uma vez explicada esta variante do conceito de bem, concluímos com as consequências que tem para a filosofia moral. A relação que mantém com a prosperidade humana dá-nos finalmente uma teoria sobre o papel que a fé tem nas obras de Anscombe.

Não pretendo oferecer uma descrição completa da ética de Anscombe. Tal tarefa teria provavelmente de ser desenvolvida em três volumes, o primeiro dos quais apresentaria a sua metafísica, o segundo a sua filosofia da mente e o terceiro a influência destas duas áreas no que Anscombe diz sobre problemas morais específicos. Ficarei satisfeito se conseguir dissipar preconceitos e provar que a filosofia moral de Anscombe merece um estudo sério.

PREFACE

On wishing to publish his doctoral thesis, Sir Anthony Kenny, then a priest, was required to ask the permission from ecclesiastical authorities: it would have to be read, censored and, if containing nothing damaging to faith or morals, approved and dispatched. If you open the book, published as *Action, Emotion and Will* by Routledge & Kegan Paul, you will, however, find no trace of such a process. The reason why that is so is that Kenny saw “that a censor’s *nihil obstat* was a kiss of death for a book published for the secular market”³.

I ignore whether the little influence Kenny’s book had in subsequent philosophical literature is due to the fact that everybody knew him to be a priest or because it was just thought uninteresting. Kenny’s clarity of mind in seeing that his book would die as soon as delivered if his betrothal to the Catholic Church was manifestly asserted, however, shows why G. E. M. Anscombe’s works on ethics were sentenced to almost complete oblivion. In fact, though this has been happily changing in recent years, if people wrote about them at all it was to condemn them. Bernard Williams and Michael Tanner, for example, went so far as to say that when writing on moral philosophy she wore “a theological straightjacket” and that she *preached* “impoverishment of life”⁴.

Given Anscombe’s immense philosophical talent and the enormous influence of *Intention* and “Modern Moral Philosophy”, this is unexplainable. Was she so much blinded by Church doctrine when writing on morals that she abandoned philosophy for

³ See Kenny’s introduction to the 2003 edition, ix.

⁴ “Comment on ‘On Chastity and Contraception’”, *The Human World*, 9, 1971. Quoted in FHG, xviii.

preaching? This is no less strange than it is false. It is a result of prejudice and a proof of the pernicious consequences prejudice may have on intelligence. Anscombe was a Roman Catholic, and a combative one, but this only means we have to find the right way of reading her under the description 'a Roman Catholic philosopher'.

The point of what follows is precisely to show how this is to be done. If it is wronging her to reject her works because she was a Catholic, neither does it do justice to her accomplishments to explain what she had to say about morality as *reflecting* her beliefs. This would be also, in fact, wronging her, in the sense that it is a shallow understanding of her writings, which are deep, difficult and important.

Anscombe's moral essays are not a series of factious proofs on behalf of what articles of faith are decreed by the Holy See. In fact, we cannot even say that her beliefs about morality follow in any way whatsoever from her religious beliefs. Anscombe did not think the moral doctrine of the Church true because she was a Catholic, but rather the reverse: she converted to Catholicism because she thought true what the Church has to teach. What is more, since the Church itself conceives its moral doctrine to be accessible to reason, and to such an extent that any revealed truth about morals could have been got without revelation, it follows that anyone rejecting religious faith could still accept it. In this sense, we can say that Anscombe's views have *essentially* nothing to do with her Catholicism: she could have accepted the moral doctrine without acquiring the whole package, as it were.

To prove the truth of my contention I will show that reference to Catholicism must come at a very late stage in any account of Anscombe's moral philosophy, so much so that when it becomes pertinent to make use of it the formulation and justification of moral codes will be already past our immediate concerns. Moreover, what will be

pertinent is more general than Catholicism. An adequate description of what I mean would be: 'belief in a supernatural entity having legislative, executive and judicial powers'. This description of God is characteristic but not specific of Catholicism.

The argument can be artificially divided into four main groups of sections, as follows:

§§1–10: mainly concerned with understanding “Modern Moral Philosophy”. The fact that it states three theses makes it difficult to see what, if any, is its point. To clarify it I will show that its standard reading is inadequate, since it fails to address two problems: the fact that Anscombe was a Catholic and the fact that she went on writing ethics despite the fact that she said we should banish it from our minds. The centrality of the concept of ‘human flourishing’ for an account of Anscombean ethics will become apparent.

§§11–15: mainly concerned with Anscombe’s essays on what we can call, for lack of a better term, practical ethics. §11 introduces the doctrine of double effect, which is very important in its own sake, but even more so for being frequently misunderstood. Another crucial principle is first mentioned in this group: St. Paul’s doctrine that one must not do evil that good may come. The relationship between good and evil, virtue and human flourishing also begins to be explained. In §15 we take murder as our study-case.

§§16–23: mainly concerned with problems pertaining to the philosophy of mind (or of action, or of psychology, to use Anscombe’s term). In §16 we describe Anscombe’s account of intention, and from §17 onwards voluntariness will be the central concept, §21 finishing with a formal account of it. From this we move on to discussing conditions of imputability. This originates in two problems raised by Hume.

§§24–34: mainly concerned with the concepts of good and evil. An account of natural law must be given, which requires a description of human nature. This description is given in terms of Anscombe's understanding of Aristotle's *ergon* argument, yielding three descriptions of human beings: *qua* bodies, *qua* rational bodies and *qua* spirits. The good specific to human nature described *qua* spirit is what matters in what respects morality. Once this variety of the concept of good is explained, we conclude with the consequences it has for moral philosophy. Its relation to human flourishing finally yields an account of the role of faith in Anscombe's moral works.

I do not intend to give a complete account of Anscombe's ethics. That task would probably have to be developed in a three-volume work, the first of which would expound her metaphysics, the second her philosophy of mind and the third the bearing of these on what she says about particular moral problems. I will be content if I have succeeded in dispelling prejudice and in proving that Anscombe's moral philosophy is worth serious study.

To make it easier for the reader to follow the argument I have included, in imitation of Anscombe's *Intention*, an analytical table of contents.

ANALYTICAL TABLE OF CONTENTS

§1. We begin with the three theses of “Modern Moral Philosophy”: (1) ethics is not a profitable activity until we have a sound philosophy of psychology; (2) moral-obligation concepts are obsolete without a divine law framework, therefore we should get rid of them; (3) English moral philosophers from Sidgwick onwards are all alike, because they all accept the justice of punishing the innocent in suitable circumstances. These theses give rise to many kinds of difficulties. Historical problems are excluded from consideration. We will tackle those originating from two Anscombean matters: (a) the fact that Anscombe continued to write on ethics after “Modern Moral Philosophy” was published; (b) the fact that Anscombe was a Catholic.

§2. Difficulty of getting the point of “Modern Moral Philosophy”: what sort of nexus, if any, holds the three theses together? Does it have *a* point? The standard reading of the essay is given in a rough outline: (3) and (2) provide support for (1), which is the point of the essay.

§3. If the standard reading of the essay is the true reading of it the two matters referred to in §1 lead to two charges of incoherence: (a) Anscombe went on writing with relative profusion on ethics after having suggested that it should be abandoned; (b) as a Catholic, Anscombe must want to recover the framework for adequate use of moral obligation concepts. This means she must want to retain them. Why then does she say they should be jettisoned? Further, (2) is incoherent with (1), since, having the right framework on which to do ethics, adequate use of psychological concepts will be irrelevant: they will not be needed.

§4. We begin with the second charge. A possible solution is envisaged: Anscombe is proposing two alternatives, such that we either accept a divine law framework in which

to found morality and use moral obligation concepts, or reject that framework and use psychological concepts in our descriptions of human actions. This solution is rejected on two grounds: first, it would mean that Anscombe was a moral relativist, which is false; second, Anscombe thought that ethics could not be autonomous from religious beliefs.

§5. Our investigation has been so far hindered by a confusion: Anscombe does not want to jettison obligation concepts *tout court*. In their ordinary sense, ‘ought’, ‘should’, etc. are in order and essential; what is wrong is to imagine a special *moral* sense for them. There is just one meaning of ‘ought’, ‘should’, etc. The same applies to ‘right’ and ‘wrong’. Anscombe is writing against the idea that there is ‘moral discourse’ when that means the possibility of speaking morally, as when people mention the *moral* badness of an action. There are, however, moral subject matters, which are those related to human passions and non-technical actions. We conclude that both obligation and psychological concepts are needed for an adequate ethical theory.

§6. Anscombe is proposing, in the spirit of Aquinas, a synthesis between the Hebrew-Christian tradition, with its law conception of ethics, and Aristotelianism, with its emphasis on the virtues. Heavy conceptual work is required before this can be achieved. How that synthesis is to be brought about is also not clear. One must, moreover, not be too naïve about Anscombe’s commendation of Aristotle, lest one returns to the confusion rejected in §4. Further, Aristotle’s theory is flawed in an essential respect: it leaves “a huge gap” open in what regards the notion of human flourishing, without an account of which moral philosophy is not possible. The question of whether an atheist can be good occurs for the first time, but it will remain unanswered until the end of this work.

§7. To be good is to live up to the standards set by human flourishing. Human flourishing is perhaps the central notion for any moral theory, but it is highly

problematic. We may never be able to give a proper account of the concept: avoidance of injustice may lead to certain death, in which case there will be no subject of which flourishing can be predicated. It follows that either injustice is compatible with human flourishing or human flourishing by itself is not sufficient as a foundation for ethics.

§8. Summary answer to charge (b). Anscombe does not want to explain obligation away: any moral theory will need a proper account of obligation as well as clear psychological notions. 'Human nature' is such a notion, as is 'human flourishing'. The last can perhaps be understood only by theists. Without belief in divine law one can hardly hold virtuous activity as a requirement for human flourishing. The point of Anscombe's essay is to complain about the belief that the judicial punishment of the innocent is compatible with goodness.

§9. We now turn to charge (a). It can be, and has been, said that Anscombe goes on doing ethics because she assumes as axiomatic the moral principles of the Church and seeks to prove and apply them in her ethical works. This is false: the moral doctrine of the Church is accessible to reason. More than that, moral truths can only be revealed *per accidens*, never *per se*. Is this a contradiction of the thesis that ethics cannot be autonomous? Further, is this a retraction from (1)? The answer to both questions is 'No'. Both depend on a mistaken understanding of what is and is not revealed. What are revealed are facts about human nature and the end of good action. As far as rationality goes, there will be a point where no answer can be given to the question 'Why behave well?'. One can, perhaps, behave well, but not build a moral theory without an ultimate answer to that question.

§10. We are brought back to Anscombe's complaint about modern moral philosophy. Modern moral philosophers need to be shown that unjust actions are bad actions. He must be helped to get rid of the notion of *moral* obligation and then to be taught what

‘justice’ means. This requires an adequate philosophy of psychology, in which we are lacking. This is Anscombe’s point about conceptual analysis in (1). To understand (1) fully we also need to understand what Anscombe means by ‘ethics’. Anscombe rejects the distinction between metaethics and first-order (practical, applied) ethics: she never discusses general moral questions without particular cases, and vice versa. Anscombe further rejects the possibility of building a true moral system if by that is meant the discovery of some principle which we can use in any situation as a decision-procedure. An adequate moral theory will be composed of mainly negative general principles about kinds of actions.

§11. Importance of the doctrine of double effect in Anscombe’s moral philosophy. The distinction between intention and foresight. The original doctrine of double effect can become harmful when misunderstood: it can only forbid, never give permission. It must be split up in two principles. The principle of side effects states that unintended causation of death can lead to exoneration, though that is not always the case; the second principle states that knowledge of high probability of causation of death excludes action. Anscombe does not think it a fault of the latter principle that its scope is restricted to killing.

§12. Saint Paul’s principle: we may not do evil that good may come. Contrary to the consequentialist principle, Saint Paul’s is not a skeleton key. Contrasts between the two principles. St. Paul’s doctrine says nothing about what actions are evil and what good; consequentialists suppose they can say so of any particular action. Difference regarding the notion of circumstance: good and are always circumstance-dependent for consequentialists; for Saint Paul some kinds of actions are intrinsically good or evil. This is to say that there are obligations and prohibitions operating over moral matters. Why, and how, are such obligations and prohibitions binding?

§13. Evil means failure in virtue. A evil man is a man which is bad under no specific description, but *qua* man. The pursuit of good is essential for human flourishing. What is good for humans depends on how human nature is like. Distinction between human conduct and animal behaviour. In human action there is always reference to generalities: humans reason from means to general, not just particular, ends.

§14. Human actions are guided by general principles. Impossibility of a definite answer to any occurrence of the question ‘How can this principle guide me in this situation?’: circumstances may vary infinitely. It follows that it is not always possible to determine whether a certain action is forbidden: borderline cases must be considered. The existence of borderline cases entails the existence of central ones. Since, however, some kinds of action are obligatory and others forbidden, general principles can sometimes necessitate. Distinction between positive and negative principles: positive principles seldom necessitate particular actions; negative principles never necessitate particular actions, they rule out kinds of action from consideration. Anscombe adopts Aristotle’s definition of the form of necessity involved: actions are necessary when without them some good cannot be got or some evil avoided.

§15. Problems of action description: criteria to include a particular action under a certain kind. Connection between these and the philosophy of psychology: concepts like ‘intention’ and ‘voluntariness’ are necessary to define kinds of action. We pick murder as our case-study. Two mistaken definitions of murder are considered: ‘wrong killing’ and ‘unlawful killing’, where ‘unlawful’ is understood as a strictly juridical notion. There is a moral notion of murder which is not relative to positive legal systems. It is, however, related to the natural law: in this sense murder can be defined as ‘unlawful killing’. To define murder as ‘wrong killing’ would make the prohibition concerning murder unnecessary: to ask whether in a given situation it would be right to commit

murder is a legitimate question. Anscombe's summary account of murder as a responsibility for death which is guilt. From this follow four general criteria given in terms of voluntariness and intentionality.

§16. Anscombe's account of intention: an action is intentional if its justification or explanation includes mention of an interpretative motive, to the intention with which the thing is done, or past history where this is either connected with the other two sorts and/or with matters related to good or harm. An action can be described in various ways: any description of an event with someone as subject which is true is a description of an action. There is no fundamental description of an action which yields its intention: an action is intentional if it is intentional under some description of it. Truth about kinds of action and truth about particular actions: a description of a particular action is said to be, though false, somewhat true if there is truth about the kind of action performed. Criterion for saying that descriptions A-D are descriptions of the same action: A-D are related as means to ends. A further criterion is proposed, though Anscombe does not state it explicitly, involving the notion of 'brute facts'. This also gives the rationale of saying that an action can be voluntary, and not just intentional, under one description but not under another.

§17. We begin to clarify Anscombe's account of voluntariness. Distinction between intentional and voluntary actions. An action is voluntary but not intentional if: the agent does not notice but can be made to notice he is performing it; it is an antecedently known result of an intentional action; though it is not the agent's doing, it is consented to. Actions of the first kind are called 'unconscious actions' and those of the second are related to the distinction between intention and foresight. The last kind needs further qualification.

§18. The legal maxim ‘Fraud vitiates consent’ and Anscombe’s moral version of it: ‘Error destroys action’. Consent is consent to something. Influence of ignorance on voluntariness. Knowledge is essential in some cases (e.g. marrying) and irrelevant in others (e.g. stepping the bride’s toes). Some kinds of actions are mixed: murder is of this kind. Omission and voluntary ignorance. Ignorance of fact and of law. Ignorance exonerates when necessary knowledge is not possible: since knowledge of the natural law is open to unaided reason, ignorance of law never exonerates.

§19. Summary of the results our investigation into voluntariness has so far yielded. List of difficulties already mentioned or hinted at still wanting a solution. Two new difficulties about conditions of imputability added: influence of descriptions under which an action is involuntary on what can be imputed to an agent; imputability is built into the meanings of some kinds of actions (e.g. murder). These derive from having in mind Hume’s case about botanical parricide in the *Treatise* (3.1.1.24).

§20. Distinction between descriptions of brute facts and higher-order descriptions. Six relations holding between a description A and descriptions xyz of facts which are brute in relation to the fact described by A.

§21. Application of these to a concrete case: the murder of Laius. The viral nature of voluntariness. Potential and actual voluntariness. Distinction between foresight and knowledge of future matters. A formal definition of voluntariness is given and some remarks are made on its application.

§22. Discussion of Hume’s case. Hume’s difficulty results from bypassing the distinction between descriptions of brute facts and higher-order descriptions and from a faulty account of the will. The distinction between descriptions of brute facts and higher-order descriptions is applied to a case of parricide: the murder of Laius by Oedipus. We conclude that voluntariness is a kind of truth and involuntariness a kind of

falsehood. To say that error destroys action is to say that when a certain happening-with-A-as-subject is under a description which makes it involuntary then that happening is not an action: what happened cannot be imputed. The problem about the influence of descriptions under which an action is involuntary on what can be imputed to an agent is solved.

§23. We tackle the second problem referred to in §19: imputability is built into the meanings of some kinds of actions. Moral action descriptions. To say that imputability is built into the meaning of moral action descriptions is to say that the concepts of good and bad are also built into such descriptions. A moral action description is a description of an action the performance of which can be constrained by a prohibition or an obligation. Not all actions falling under a moral description are either good or bad, but all at least suggest good and bad. An action is a *moral* one if it is either something good or something bad done voluntarily. Distinction between human actions and acts of a human being. All acts of a human being constitute raw material for human actions. Application of the distinction to technical actions: a description of a technical action which results in harm or good for human beings will be a moral description of it. Definition of the scope of moral philosophy.

§24. An account of good and evil is required. Connection of Anscombe's thoughts on ethics with the natural law. Belief in natural law is independent from belief in a divine origin for that law: the natural law is the law that befits human nature. Prescriptions derived from the natural law can be taken as suggestions or as laws: distinction between following and obeying prescriptions. To live in accordance with the natural law is to live by reason: to aim at what human life is for. The end of human life.

§25. Anscombe's version of Aristotle's *ergon* argument. Descriptions of a person's actions *qua* body. Something done *qua* human body is an act of a human being if

thought is involved. In order to have human actions we need to find the right way to get the concepts of good and bad in our account. This is done through a series of three epigrams.

§26. First epigram: ‘What health is to the body reason is to the mind’. What is the good of the body we call ‘health’, because a good body is a healthy one; what is the good of the mind we call ‘reason’, for a good mind is a reasonable one. Here ‘reason’ is meant as the ability to calculate from means to particular ends. Description of a person’s actions *qua* rational body. We conclude that when a human body’s goings about are guided by reason we have (at least) acts of a human being.

§27. Second epigram: ‘What is health to the body and reason to the mind is good to the spirit’. We said that a good body is a healthy body and a good mind a reasonable mind – does it make sense to say that a good spirit is a good spirit? Connection of this question with the theories that ‘good’ is either an indefinable or an instrumental concept. First steps towards a clarification of the concept of spirit employed.

§28. Human action: to speak of the actions of a body, when that body is the body of a human being, is to speak of man *qua* body; to speak of the actions of a human being, is to speak of man *qua* rational body; to speak of human actions is to speak of man *qua* spirit. To describe man *qua* spirit is to describe him as capable of reasoning from means to generic ends. Objection: the distinction between particular and generic ends is a matter of degree. Problems posed by the objection.

§29. To counter it, we suppose the ability to have generic ends to be strongly correlated with IQ points. We then imagine a case where a man, Ernest, and a beaver, Ernie, have the same IQ points and the same generic end: marrying. We introduce a distinction between more or less generic ends and generic ends *simpliciter*, such that the latter involve reference to institutions. Ernie can only be described *qua* spirit if he can be said

to have generic ends *simpliciter*. Can Ernest still be described *qua* spirit if he loses his ability to reason from means to generic ends *simpliciter*? Generic ends *simpliciter* imply reference to good and bad. Ability to reason from means to generic ends is a necessary condition, but not sufficient, for describing a being *qua* spirit: imputability is a sufficient condition. Considerations of goodness and badness come in at this point. What is the human good when humans are described *qua* spirit?

§30. Third epigram: ‘Good is the truth of action, as truth is the good of assertion’. We consider St. Anselm’s *ergon* argument to define truth in the *De Veritate* (c.2, 4.061): assertion is “for signifying to be the case that which is the case”. Applying it to ‘good’ we get to a dead end: a good action of a man *qua* spirit is a true one, and its good is that it does what it is for, and it is for – what? We neither know what it is nor even if we can come to know it. It is clear, however, that whatever is good for a man *qua* spirit is what promotes, or makes true, that what it is for a man to do under the description ‘spirit’. It is also clear that there are things which satisfy and others which fail to satisfy that description. Avoidance of a fallacious move in Aristotle. The end of human nature, that for which humans are for, is the standard against which we measure good and evil. Import of these conclusions to Anscombe’s definitions of sin.

§31. We return to the distinction made in §24 between following and obeying the natural law. The case of a man is put forth who always acted in accordance with the natural law without believing in the existence of a judge enforcing it. Such a man would understand the concept of love in the way Christians do: as a transitive relation. Knowledge of indifferent truth vs. connatural knowledge of goodness: knowledge of human dignity. Human dignity as the only impregnable equality of all human beings. Discussion of whether dignity is a characteristic or specific feature of human beings. Human dignity is the dignity of having a spiritual nature.

§32. Non-believers cannot understand the description of man *qua* spirit. Ascriptions of good and evil are dependent on the standard given by a description of what man is for: theists can and will recur to the description 'Direct communion with God', but what would be the non-believer's choice? Two hypotheses suggested: pleasure and utility. Pleasure is ruled out by the question 'What for?', i.e. 'What is the good of pleasure?'. Utility must be specified under a description. We imagine two possible descriptions: the expansion of the species' and 'the improvement of the species'. These would also be ruled out by the question what for, but we would have to refute a certain view held by evolutionary psychologists, social Darwinians and the like. The descriptions imagined yield the two principles generally used in consequentialist decision-procedures: the necessity to save lives and avoid suffering. A foul consequence of the first is considered. Difficulties about the second: definition of improvement.

§33. Two thought experiments are sketched in order to find an autonomous foundation for ethics: first, a variety of Rawls' veil of ignorance; second, a cousin of this, which is called 'the veil of innocence'. They are both rejected.

§34. Anscombe's notion of obligation is useless without a divine law framework. The doubtfulness about 'human flourishing' is that we can give no account of it which will suit both religious and secular views of the world. This does not mean that there cannot be a man as the one described in §31: such a man will, in fact, flourish much more as a human than any undoubting theist who did not obey the divine law with such fidelity. Religious belief comes in in the following way: if he would rather die than be unjust, only if there is an afterlife will he be said to have flourished as a human through his death. He need not even believe it. The question as to whether Ernest, whom we forgot, could be described *qua* spirit after his bump is answered.

ANSCOMBE UNDER A DESCRIPTION

To C. P.

§1. Let me begin with “Modern Moral Philosophy”. Since its three theses have been frequently, and often misleadingly, paraphrased, I will just quote them, complete and unabridged, as they first appeared:

(1) “it is not profitable for us at present to do moral philosophy; that should be laid aside at any rate until we have an adequate philosophy of psychology, in which we are conspicuously lacking”;

(2) “the concepts of obligation, and duty — *moral* obligation and *moral* duty, that is to say — and of what is *morally* right and wrong, and of the *moral* sense of ‘ought’, ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it” and

(3) “the differences between the well-known English writers on moral philosophy from Sidgwick to the present day are of little importance. (MMP, 171)

These points give rise to many problems, and so have, of course, and with variable interest, been discussed in a great variety of ways. I should like to bypass right away, if that is feasible, and if it is, as thoroughly as possible, any problems related to historical matters. This means that I shall mention next to nothing about the philosophical climate of the time, as people sometimes say, or about how that climate influenced Anscombe. That said, I will not be concerned with her influence on the rediscovery of virtue ethics, as her essay is said to have originated. I shall, instead, occupy myself with two problems that arise from having in mind MMP together with other Anscombean matters: the fact that she continued to write, and with profusion, on so-called ‘first-order’ ethics and the difficulties we have to cope with from remembering her Catholicism.

§2. It is natural for one to find oneself quite at a loss as to what is the point of MMP. Anscombe begins by saying she has *three* theses to present, but, since what we have is *one* essay, it becomes immediately problematic to understand what sort of relation, what sort of nexus, if any, holds the three theses together. Does the essay have three points corresponding to the three claims above or does it have *a* point? If the latter, is it distinct from the three theses advanced, though resulting from them? Or is it the case that one of them takes pride of place? Roger Crisp takes this line, and identifies the second thesis as the main one⁵, but he does not give his reasons for it. In fact, he contradicts himself, since very shortly after he asserts that “the conceptual claim”, as he calls (2), “is meant to provide some support for the profitability claim”⁶, as he calls (1), thus making this last the main thesis. Let me try to make a rough outline of the essay.

We can say Anscombe’s point is a double one: first, she wants to say that modern moral philosophy is inadequate; after that, to show how to put it on the right track. Modern moral philosophy is inadequate in two respects: first, in that it makes use of obsolete concepts, “the concepts of obligation, and duty — *moral* obligation and *moral* duty, that is to say — and of what is *morally* right and wrong, and of the *moral* sense of ‘ought’” (MMP, 171), that being the case because such concepts are relics, as it were, from an understanding of morality as being a set of laws promulgated by a divine legislator; and secondly, in that it accepts the punishment of the innocent, which is why “the differences between the well-known English writers on moral philosophy” are indifferent. Though Anscombe argues extensively to prove the similarity between English philosophers after Butler, she does not seem do so in what regards the rejection of the thesis which unites them. This fact, especially if coupled with her famous remark

⁵ “Does Modern Moral Philosophy Rest on a Mistake?”, 75

⁶ *ibid.*, 76

that, did anyone try to discuss it with her, she would “not want to argue with him; he shows a corrupt mind” (MMP, 191), may lead to the hasty judgment that she has no arguments to propose in favour of her position. It is certainly true that Anscombe thought that the punishment of the innocent was forbidden, and thus that it could not be called into question without thereby bespeaking corruption, but it is possible to show why it is a mark of corruption to call it into question, as she did when debunking consequentialism⁷.

We can now see how these two points can be said to provide support for the thesis that we cannot do moral philosophy until we have achieved some clarity on the psychological concepts it employs. We need to get rid of the wrong conclusions we are getting, viz. that the punishment of the innocent is justifiable. This conclusion has been drawn for two reasons: first, because consequentialism is the respectable view both among scholars and in society at large; second, because the concepts we are employing are useless, and have become harmful due to our insistence to use them: they will not only not bar that conclusion but have as a matter of fact lead to it. So, we must get rid of them. In getting rid of them our tools for the advancement of ethics, if there is such a science, are stolen from us. We need, therefore, new ones, which we will have when we have mastered those the philosophy of psychology or, more generally, the philosophy of mind, can give us. When the task of *learning* to use these tools, since we already have them, is finished, then ethics can begin.

⁷ ‘Consequentialism’ now has a different meaning from that with which Anscombe used the term when she coined it. For her, to put it in Mary Geach’s words, it meant “the view that there is no kind of act so bad but it might on occasion be justified by its consequences, or by the likely consequences of not performing it” (HLAE, xvii).

§3. This is, I think, the standard reading of the essay. But take the following problem: given that Anscombe went so far as to bluntly recommend that until we have a good grasp of psychological concepts we should be “*banishing ethics totally* from our minds” (MMP, 188), isn’t it a bit odd that she went on thinking and writing with relative profusion on ethical topics? This has indeed been a cause for distrust, as Duncan Richter shows when he remarks that perhaps Anscombe was “being purely ironical”⁸ in suggesting that we should brush ethics aside.

Further, how are we to make use of our knowledge that Anscombe was a Roman Catholic? This is not a characteristic to deal with lightly, let alone to ignore. To deal with it lightly means, e.g., to say that “many of her writings *reflected* her moral and religious stance”⁹ (emphasis added), a description which was also used by Richter¹⁰, though, as a professional and respectable philosopher, he ought to have noticed that the verb ‘to reflect’ in such contexts is usually a black box.

Serious consideration of Anscombe’s Catholicism, on the other hand, will reward us with the added difficulty that, *since* Anscombe *was* a theist, she must *surely* have wished to have God in the picture. Having God in the picture, though, is to bring back to life that “earlier conception of ethics” of which she writes. But does not that make the point about the adequate understanding of psychological concepts irrelevant? Because in that case they won’t even be needed! What we need is not to jettison moral-obligation

⁸ *Anscombe’s Moral Philosophy*, 3

⁹ Boxer, Sarah, “G. E. M. Anscombe, British Philosopher, Dies at 81”, *The Times*, (13 January 2001)

¹⁰ *Anscombe’s Moral Philosophy*, 3: “Her unfashionable views on ethics *reflected* her strong Christian faith” (emphasis added).

concepts but rather to recover the framework in which their use makes sense. What, then, is Anscombe's point? Does she want to put all obligation concepts aside? If she does not, then what are we to do with her two first theses? They seem to be ridden with incoherence.

Perhaps we are missing the joke, and so should just join Richter in accusing Anscombe of irony. This would be an easy way out. *Too* easy, perhaps. The only reason to consider it would be the difficulty to get the point otherwise, and that is of course no reason. And it would be sheer childishness to hold it just for the sake of being original. I think Richter was putting us on. Besides, we do have good and trustful testimony that Anscombe meant what she said, for her husband, Peter Geach, said she "thought that a theory of ethics without a theory of mind was bound to be bogus"¹¹.

We are thus left with a conundrum. Though, on the one hand, it looks right to think of (2) and (3) as steps towards (1), and so to think of (1) as all-important, on the other hand it also appears to be incoherent, because Anscombe did write on ethics after having said that it should be banished; and also in that Anscombe, as a Catholic, was certainly a believer in divine law, and thus in the framework which makes appropriate the use of concepts of moral obligation, acceptance of which throws psychology overboard, and rejection of which breeds, again, incoherence. We are in a muddle. We must, it seems, charge Anscombe twice with incoherence. To acquit her of the first charge we will have to look at her essays on morals, so let us first acquit her of the second.

¹¹ Unless, of course, he was either unaware of the conspiracy, or, for such things can happen, *in* it. Quoted in Boxer, Sarah, "G. E. M. Anscombe, British Philosopher, Dies at 81", *The Times*, (13 January 2001)

§4. Let me rephrase it: Anscombe *seems* to want us, to use Bernard Williams' distinction¹², to drop thin concepts like 'ought' or 'wrong' in favour of thick concepts like 'justice' or 'greed'. Her reason for this is that 'ought' and 'wrong' are tied to a legalistic view of ethics, that is, a view according to which there are moral laws. This, if it is to make sense, entails the belief in someone with "superior power" (MMP, 171), a legislator with full responsibility for the promulgation of those laws. Since this conception has been largely abandoned, the concept of a moral law, and thus of moral obligations expressed by ought-sentences, is meaningless.

Independently of the validity of Anscombe's historical claims, it is important for my purposes that she believed this to have happened because "between Aristotle and us came Christianity, with its *law* conception of ethics" (MMP, 175). To have a law conception of ethics is "to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man (...) is required by divine law", and to believe this to be true is to "believe in God as a law-giver" (MMP, 176). One who does not satisfy this requirement and still wants to go on using 'ought' and its relatives can then be said to be, like Cratylus' imagined interlocutor, merely making noises.

We must, then, give up such concepts if we are to remain rational. The charge of incoherence comes precisely from the fact that Anscombe is someone who believes in God as a law-giver. She might believe in God while rejecting the characterisation 'as a law-giver' but, being a Roman Catholic, she is required by the decree on justification of the Council of Trent to believe in Christ *qua* legislator. It follows that she meets the criterion for good use of moral obligation concepts. But she says they must be jettisoned. How is this not incoherent?

¹² *Ethics and the Limits of Philosophy*, 140-142, 150-152.

One might try to solve the problem by saying that Anscombe is giving us two options: either you believe in divine law and embrace moral obligation concepts or you do not believe in divine law and you must reject them. If you do reject them, then you have to recur to psychological concepts. Since it is easy to move from Anscombe's defence of the necessity of recurring to the *philosophy* of psychology to the necessity of recurring to the *science* of psychology, it can be tempting to imagine a kind of compatibility to hold between a moral philosophy having that science as its foundation and a moral philosophy founded on divine law, such that these would be independent from each other but equally expedient. There might then be two kinds of people going about, those who describe, blame and praise actions by appeal to moral laws as promulgated by God; and those who do not believe in such laws but instead describe, blame and praise actions in terms of generic concepts, like 'honesty' or 'cowardice', tied down to an account of human nature and flourishing. The degree to which two members of each class could then agree would be a matter of contingency: they would agree, though for different reasons, in some matters, disagree in others, and on some occasions would perhaps be both right. Discussion of moral problems would be possible only to a certain, circumstance-dependent, degree, that is, until conceptual schemes, as it were, are so different that conversation becomes impossible.

This would be a wrong account, and for two reasons: first, because it would make a moral relativist of Anscombe, which is a blatant mistake; and second, because Anscombe did not think it possible that ethics could be independent from religious belief, as she remarks in the sixth of twenty opinions she lists as inimical to

Christianity: “Ethics is ‘autonomous’ and is to be derived, if from anything, from rationality. Ethical considerations will be the same for any rational being” (TCM, 67)¹³.

§5. But until now we have been moving on quite unaware that we were depending on a confusion. The first thing that should have been made clear is that her attack is not intended against the ordinary use of terms like ‘ought’, ‘should’, etc., but only against that special *moral* sense they acquired. This is already implicit when she emphasises the word ‘moral’ in her second thesis, as well as in her saying that those terms, less than “survivals”, are “*derivatives* from survivals of an earlier conception of ethics” (MMP, 171). Furthermore, Anscombe asserts it explicitly:

The ordinary (and quite indispensable) terms ‘should’, ‘needs’, ‘ought’, ‘must’ – acquired this special sense by being equated in the relevant contexts with ‘is obliged’, or ‘is bound’, or ‘is required to’, in the sense in which one can be obliged or bound by law, or something can be required by law (MMP, 175).

This is important. It means that Anscombe is not objecting to the possibility of there being binding laws which concern things falling under the province of ethical study, things we are obliged, or forbidden, or permitted, to do. That is, in fact, something she firmly believes in. Her point is against “modern ‘moral’ discourse” (I, §35), against the idea that there is a particular form of obligation, and so a particular form of discourse, which can be called ‘moral’. To put it in another way, she is denying that there is any difference in the meaning of the phrase ‘There is an obligation to []’ when it is coupled with, on the one hand, trivial things like ‘promote a pawn released on the eighth rank’ or, on the other hand, very important things like ‘harbour the harbourless’. There is a

¹³ This shows that the way in which so-called virtue ethics was developed after Anscombe’s essay is not quite consonant with the spirit of its source.

difference, but it is not a difference of concepts. This also means, of course, that she would object to a distinction between “thin” and “thick” concepts if that entails a choice between alternatives.

Anscombe’s point is that we should stop to use a moral variety of obligation concepts because there is no such variety, just as there is nothing we could call a moral variety of discourse, if by that is meant ‘speaking morally’, as when someone will say that *morally* speaking, such-and-such was bad. This does not mean, however, that there is no difference between speaking of, e.g. chess, or failing to observe a rule in chess, and speaking, e.g., of parental care, or failing to accomplish one’s duties to one’s child. There is, just as there is a difference between not castling because one does not know how to castle and not feeding one’s child because one does not know how to feed a child, or between failing to notice an obvious check and failing to notice one’s child is too near a hole in the ground. About the chess cases, be it due to mindlessness or stupidity, one speaks of incompetence, but the other two are straightforward instances of negligence¹⁴. Her point, then, is the following:

The terms ‘should’ or ‘ought’ or ‘needs’ relate to good and bad: e.g. machinery needs oil, or should or ought to be oiled, in that running without oil is bad for it, or it runs badly without oil. According to this conception, of course, ‘should’ or ‘ought’ are not used in a special ‘moral’ sense when one says that a man should not bilk. (In Aristotle’s sense of the term ‘moral’ – ἠθικός – they are being used in

¹⁴ As Anscombe remarks about distinguishing between kinds of practical syllogism, though “ethics is of importance to human beings in a way that mince pies are not”, we should notice that “such importance cannot justify us in speaking of a special sort of reasoning” (I, §33).

connection with a *moral* subject-matter; namely that of human passions and [non-technical] actions.) (MMP, 174-175).

There is much to be said about this passage, and I shall return to it in more detail later on, but for the present it will be sufficient to point out two things. First, and to repeat, that the way in which obligation concepts are used is not influenced by the subject matter they are being applied to: the word ‘ought’ in ‘You ought to oil the machine’ and ‘You ought not to balk’ is doing the same job in both sentences, expressing a duty, say. Second, the word ‘moral’ is not altogether devoid of sense, there are *moral* subject matters, though not moral discourse – there are not, that is to say, moral *ways* to talk about things, but there are subjects we talk about which are aptly called ‘moral’, namely those which relate to human passions and non-technical actions.

The same points apply to the words ‘right’ and ‘wrong’. We should not let ourselves be influenced by grammatical criteria and imagine some substantive distinction to hold because ‘ought’ and ‘should’ are mainly used as verbs, while ‘right’ and ‘wrong’ are used as adjectives, since both pairs end up performing the same function. It is all one to say ‘Machines ought to be oiled’ and ‘To oil machines is right/the right thing to do’. Just as with ‘ought’ and ‘should’, the problem with ‘right’ and ‘wrong’ is that they “acquired a special so-called ‘moral’ sense – i.e. a sense in which they imply some absolute verdict (like one of guilty/not-guilty on a man)” (MMP, 175), and again, the existence of verdicts entails the existence of laws. The rest follows.

A second step towards a solution will be to remember Peter Geach’s remark that Anscombe “thought that a theory of ethics without a theory of mind was bound to be bogus”. Notice that he is using the indefinite article, and so, that he is not referring to this or that ethical theory but stating, rather, that *any* theory of ethics will be bogus

without a theory of mind, and hence divine law theories are of course included. Anscombe's argument does not have the form of an 'either/or'. She is not saying that you *either* reject obligation-concepts and start using psychological concepts instead *or* stick with them and carry the Ten Commandments about in a little sheet in your pocket until you know them by heart, but that even if you (happily) do so, and believe in God *qua* legislator, you *must* have an adequate understanding of psychological concepts if you want to do moral philosophy. What she is saying is that you will need both sorts of concepts if you want to have an adequate ethical theory.

§6. Let me return to Anscombe's list of theses inimical to Christianity. Its ninth item says the following: "The study of virtues and vices is not part of ethics" (TCM, 67). The virtues are indeed part of the moral doctrine of the Catholic Church, so Anscombe is not fleeing orthodoxy. What she says, though, shows that the Church itself, though using the right kind of doctrine by tying the virtues down with divine law, relies on a brittle moral theory because the concepts it employs are still in need of clarification. The synthesis of the Hebrew-Christian tradition with Aristotelianism brought about by St. Thomas Aquinas is the right path for a complete understanding of morality, but it still needs philosophical work to be complete. This is salutary criticism.

But if Anscombe is not proposing an alternative, if the point is a synthesis which must result in a theory having room for obligation as well as psychological concepts, what sort of relation is there between them? Commenting that Aristotle lacks such blanket terms as 'illicit' or 'unlawful', which mean "much the same as our blanket term wrong" (MMP, 175), Anscombe offers an answer to the question by formulating "a quite lengthy sentence" in which she uses Aristotle's terminology to indicate the extension of those terms: "that is 'illicit' ['unlawful', 'wrong'] which, whether it is a

thought or a consented-to passion or an action, is something contrary to one of the virtues lack of which shows a man to be bad *qua* man” (MMP, 176).

Anscombe’s daughter, Mary Geach, responding to a certain review by Simon Blackburn¹⁵, echoed just this passage. I do, however, have my doubts on her understanding of it. The qualifications she adds after quoting it are somewhat odd. She remarks that Anscombe

did not think one needed a divine law conception of ethics to know what a good human being was, or what virtues he had. Aristotle did not speak of divine law, and she saw in him a figure to whom atheists (as well as Christians) could look as an example of how to think about vice and virtue.

And still:

She wanted people who did not believe in God to stop asking questions like ‘Is this morally right?’, and to start asking questions like ‘Is this gluttonous?’ or ‘Is this that kind of injustice which is called murder?’. She did not think that an atheist could have no desire to be a good man, or to act well, or that in him such a desire must be meaningless. She was not attacking atheism as leading to libertinism¹⁶.

The problem with the first paragraph is that it seems to be naïve in its understanding of Anscombe’s commendation of Aristotle. Geach seems to be saying that, since Anscombe praised Aristotle to the point of “[seeing] in him a figure to whom atheists (as well as Christians) could look as an example of how to think about vice and virtue”, and since “Aristotle did not speak of divine law”, then there is a chance of filling the

¹⁵ “Simply Wrong” (or “Against Anscombe”), *The Times Literary Supplement*, (30 September 2005).

¹⁶ Quoted in Wiseman, 2016, 36 (emphasis added).

atheists of this world with the joys of spring by granting the possibility of an ethics *without* divine law. Besides the fact that this argument relies in an appeal to authority, and so is fallacious, even if that were not so, I think I have already shown that Anscombe took its conclusion to be false.

Now, Anscombe, as a matter of fact, writes that we “can do ethics without [the notion ‘morally ought’], as is shown by the example of Aristotle” (MMP, 179) and remarks frequently throughout the essay that we should pick up his use of the virtues. But she also has deep criticism to offer. She thinks it to be flawed in important respects: “what *type of characteristic* a virtue is (...) and how it relates to the actions in which it is instantiated [is] a matter which (...) Aristotle did not succeed in really making clear” (MMP, 174); and again: “it can be seen that philosophically there is a huge gap, at present unfillable as far as we are concerned, which needs to be filled by an account of human nature, human action, the kind of characteristic a virtue is, and above all of human ‘flourishing’” and she goes on to assert that “it is the last concept that appears the most doubtful” (MMP, 193). This poses deep and important problems, but it brings to light the fact that atheists and Christians alike can look up to Aristotle only to a certain degree, for as soon as someone mentions human flourishing he is pretty sure to be “reduced to sheer babble” (MMP, 171).

This leads us to the second paragraph. The problem this time is that Mary Geach seems to me to be over-cautious, when before she was over-bold. There is some ambiguity about it. When she writes that “[Anscombe] did not think that an atheist could have no desire to be a good man, or to act well, or that in him such a desire must be meaningless”, it is not quite clear whether Geach was fighting a temptation to say that Anscombe did *think*, though she did not *say*, that an atheist could be good; or that

Anscombe believed that, though atheists may *want* to be good, to *be* good is beyond their reach.

The question, then, is: though *not* thinking an atheist's desire to be good must be meaningless, did Anscombe *think* an atheist could *be* good, *tout court*? I fail to see how a desire could be meaningless, except when the words in which it were expressed would themselves be meaningless. What could we mean by the meaning of a desire? Perhaps we could say this much as a first, tentative, approach: a desire is meaningful when the thing desired is attainable and meaningless when the thing desired is not attainable. This is, of course, a rather rough approach, so much so that it immediately raises a problem: what if the object of a given desire does not exist? Are we to say it is not attainable, as when a child desires, say, a unicorn in the living-room on waking up? When a person cannot attain a given object because he does not have the means, we could give the meaninglessness of the desire to attain it the name of 'futility', as in the expression 'a *futile* attempt', that is, a *useless* one. We could, further, imagine the case in which the object itself is inexistent as a second form of the meaninglessness of desires, and then call it 'delusion'. But two very difficult problems will then remain to be answered, for it is not at all clear what the *use* of a desire may be and it still needs to be shown whether a thing which does not exist can be *said* either to be or not to be attainable.

But this was just in passing. Be it as it may, we can, though falling into oversimplification and indulging in an imprecise form of speech in the process, say that goodness is in *some* sense an attainable, non-philosophically speaking of course, *thing*. We can then formulate the question in the following terms: did Anscombe think an atheist could attain to goodness? She does not, to my knowledge, say anything directly on the topic, but what answer she would give will become clear later on.

§7. The nerve of the matter is that in order to judge a man good we need to judge the degree to which he has lived up to the standards determined by human flourishing, for “essentially the flourishing of a man *qua* man consists in his being good” (MMP, 193) – if he has managed to live up to the standards posed by human flourishing he can be said to be good, and if he has not to be bad, *qua* man. This, of course, entails that we need an account of human nature. The trouble is that the notion of human flourishing is a very difficult one. We are in danger of never coming to a full and clear understanding of what it means, but, since it is such a central notion, perhaps *the* central notion in any adequate moral theory, it is possible that such a theory may not be feasible. This is a disturbing thought. I do not think, however, that that is what Anscombe is trying to convey. Rather, I believe there is a connection between the fact that Anscombe thought human flourishing such a daunting notion and her thesis that the autonomy of ethics is a mirage. We can formulate it thus: the notion of human flourishing poses many problems which we can never solve. First of all, though it seems to require that we never give way into injustice, we know that there are cases in which avoiding an injustice will make impossible things which we believe to be essential to what we usually think of as the flourishing of a man, e.g. by leading to his imprisonment. Avoiding injustice can, further, lead to certain death, in which case we seem to be stolen the very subject of which flourishing was being predicated.

We are left with two open roads to follow: either we agree that, in some cases at least, injustice is consonant with human flourishing, or that, by itself, the notion of human flourishing cannot be used as a solid foundation for ethics, and we have to find it elsewhere, viz. in divine law. This becomes clear when Anscombe illustrates the two paths by imagining the reactions of two different men. The first one will remark: “What we need is such-and-such, which we won’t get without doing this (which is

unjust) – so this is what we ought to do” (MMP, 193). The second one, a believer in divine law, will say: “It is forbidden, and however it looks, it cannot be to anyone’s profit to commit injustice” (MMP, 193-194). About the latter Anscombe importantly comments that “he, like the Greek philosophers, can think in terms of flourishing” (MMP, 194).

§8. We can now see that the idea that Anscombe was incoherent relies on two mistakes. First of all, she is not trying to, or even suggesting that we should, explain obligation away; rather, she is arguing against the belief that there is one kind of obligation, which is general and stipulates general duties, and another, peculiar kind, which is called ‘moral’, which stipulates moral duties: there are duties concerning trivial and important matters. Concepts like ‘ought’, ‘should’, ‘right’, ‘wrong’, ‘duty’, etc. are essential concepts for theists and atheists alike. From this it follows that Anscombe is not telling anyone to choose between a moral theory employing obligation concepts and a moral theory which employs psychological ones, since any theory with a claim to be satisfactory must use concepts of both kinds.

The task of construing a philosophy of psychology, however, will end up by having to cope not only with concepts like ‘intention’, ‘motive’ and ‘pleasure’, but also with ‘virtue’, ‘action’ and ‘human flourishing’, and it is unlikely that it can deal with the last one on its own. It is here that the fact that Anscombe was a Catholic becomes important, for she thinks that what is to be meant by the *flourishing* of a human being can perhaps only be understood by someone who believes in divine laws, whether in the Stoic or in the Christian model. This is so because it is not clear how a theory divorced from that conception could reconcile the requirement of virtuous activity for there to be human flourishing with the idea that sometimes we should opt for the punishment of the innocent in order to secure the consequences one is aiming at, that is, with the idea that

there are ends which justify the condemnation of the innocent. The point of Anscombe's essay is precisely to complain against those who have lifted this prohibition, and then to show the mistakes involved in the procedure that lead to it.

§9. The impossibility of developing an account of morality founded exclusively on rationality may seem to provide us also with an answer to the other problem pointed to at the beginning: the oddity there is in Anscombe's having declared that we should banish ethics from our minds while she herself, far from having done so, continued to write on the subject. It can be thought, and *has* been thought, that everything Anscombe wrote on the subject she wrote while "assum[ing] a certain background of common belief and faith" (ERP, vii). That this cannot be true is shown by the fact that the comment is by Anscombe herself and that she allowed for "a difference of assumptions" informing what she wrote "for the general public, for ordinary philosophical meetings or for philosophical journals" and for "meetings of Catholics or (...) a Catholic readership" (ibid.). Moreover, the belief that Anscombe, and indeed any Catholic, must suffer from some form of confirmation bias can only be held by those who ignore that the Catholic Church has always thought of its moral teachings as accessible to the grasp of reason, a fact on which Anscombe insisted: "the moral teaching of the Church, by her own claims, is supposed to be reasonable. Christian moral teachings aren't revealed mysteries like the Trinity" (CC, 177).

It will not do to dismiss the problem just by saying that Anscombe had already, as it were, plenty of raw material to work on: since she had a set of moral beliefs which she thought were already well-founded, she needed only do a little bit of arguing in their

favour¹⁷. Though as a matter of fact she had firm beliefs about at least some things humans must and must not do, her appeal to reason shows that it is not the case that she thought them true because she was taught them, but rather that she reasoned about those things she was taught and thought them true¹⁸. This becomes even more clear when she dismisses the very possibility of there being truths about morality which were revealed *per se* (AM, 49), that is, wholly transmitted by God to those holding prophetic offices, as opposed to having been revealed *per accidens*: if there are truths about moral subject-matters which were revealed, that does not mean that we cannot grasp them through scrupulous reasoning.

But does not this contradict the thesis that ethics cannot be autonomous? Further, how is it not a retraction from the suggestion that we banish ethics for a while? Alan

¹⁷ This calls to mind Russell's comment on Aquinas in ch. XIV of his *History*: "There is little of the true philosophic spirit in Aquinas. (...) Before he begins to philosophize, he already knows the truth; it is declared in the Catholic faith. If he can find apparently rational arguments for some parts of the faith, so much the better; if he cannot, he need only fall back on revelation. The finding of arguments for a conclusion given in advance is not philosophy, but special pleading". As if there were any way of doing philosophy or anything else without at least *some* antecedent beliefs!

¹⁸ cf. Mary Geach's remarks in her introduction to FHG, xix: "Indeed, her support of Catholic teaching on contraception was itself evidence of this independence: she was defending that teaching before the encyclical came out, at a time when change was expected and people with a 'party line' mentality were becoming uncertain about the matter".

Donagan thought it was¹⁹, declaring that when Anscombe asserts that “[t]he moral law is a range; some people have one part of the range, some another” (AM, 45), and that “no one who is taught at all can fail to be taught a great deal that is true and that to a great extent *verum index sui et falsi*” (ibid.) she “implicitly retracts her 1958 thesis that ‘it is not profitable for us at present to do moral philosophy’ (...) and endorses her practice in her specific investigations of the moral law with respect to war, sexual behaviour, and political obedience” – *ab esse ad posse valet consequentia*, he concludes.

The two questions must both be answered in the negative, for they depend on a mistaken understanding of what is and what is not revealed. The following description of a piece of the discussion that took place after AM was read at Bec Abby, in 1960, will help us to see the point:

It was objected that the ‘new law’ of Christ was indeed a revelation in the field of morality. The speaker admitted this in the sense that the motives, spirit, meaning and purpose of the moral life of Christians depend on revelation, while insisting both that the law of love had already been taught in the Old Testament and that the *content* of the moral law, i.e. the actions which are good and just, is not essentially a matter of revelation (AM, 50).

There is, then, *something* about morality which is dependent on revelation, though not all of it. What is divinely inspired is that part of it which relates to *why* people should do certain things and not others and thus to the *point* of acting with courage, justice and truthfulness, not what courage, justice and truthfulness are supposed to mean

¹⁹ See his review of the three volumes of Anscombe’s *Collected Papers*, in *Ethics*, 93 (4) (1983): 801-804

or what acts are courageous or just or truthful. The lack of autonomy of ethics is due to the fact that human flourishing can only be understood as the foundational element of morality if the notion we have of it is anchored on divine revelation. This means that, if what passes for divine revelation is either a bunch of exquisitely concocted lies or the ravings of fools, then what falls apart is the foundation from which incitement of temperance and discouragement of cruelty can be argued, the reasons and (ultimate) purpose for which we ought to be temperate and not cruel, not the concepts of temperance and cruelty, libertinism and compassion, themselves.

This shows why Donagan is missing the point. Anscombe did not just suddenly realize around 1960 that, since there *is* such a thing as morality, since there *are* things which ought to be done and others which ought not to be done, it follows that obligations and prohibitions can be taught, and so moral philosophy be done, while two years earlier she believed the opposite. This would be a very strange phenomenon, and the stranger in that she has nothing at all to say about so important a change of mind in so short a period of time.

Donagan's view seems to be guilty of two errors. First, he thought that when Anscombe writes that "the moral law is a range" of which different people have different parts, she is for the first time admitting something she denied in 1958, viz. that it is possible to believe in the truth of pronouncements about morality and be right about it, and hence that such pronouncements can be taught, which is the result of making a fallacious transition from 'We cannot have a decent moral theory until so-and-so happens' to 'We cannot yet know what things in that field are true and so cannot teach people how to behave in accordance to such truths'. Second, he seems to have thought he could conclude from Anscombe's remark that if some truth about morality is revealed then that revelation is accidental, that she did not see a gap in modern moral

philosophy any more, or that she thought that it had already been, or was at least to a satisfactory degree, filled.

What Anscombe is in fact aiming at becomes conspicuous in the following paragraph:

some of the facts, of what is the case, will help to determine moral truth – i.e. some truth about what is the case will help determine truth about what kinds of thing ought and ought not to be done. Now some such truths about what is the case are revealed; original sin for example. There are also revealed some conditional promises, to disregard which is to despise the goodness of God. Both of these things lead us to infer the rightness of an asceticism which would otherwise have been morbid or founded on a false view of life. Here then there is something one could not have worked out for oneself: the furthest one could have got would be to see the advisability of weighting the scales a certain amount against the pleasures and enjoyments of life, as they can be seen to have a practical tendency to corrupt people, i.e. to soften them, make them greedy and pervert and coarsen their judgment. But this would not justify anything severely ascetical (AM, 49).

What is revealed which is of relevance to moral theorizing are facts such as those that concern human nature (man's original sin), an account of which is necessary for an understanding of what it is for a human being to flourish; and further, the point of living in such a way that one satisfies the criteria for flourishing characteristic of human nature, namely, to be up to the conditions demanded to obtain the conditional promises revealed by God. Now, it may seem that Anscombe's judgment has gone a bit wild here and that she is expounding a view such that a Catholic should favour the performance of acts of attrition over that of acts of contrition. That is not so. In common parlance, she is not giving way to that argument, so often used by the ignorant against Christians, which

consists in accusing them of acting in accordance with God's laws from base motives, especially selfishness and cowardice, that is, *because* they expect a reward, the joys of Paradise, and fear punishment, the sufferings of Hell. As Anscombe would surely say, Christians do expect a reward and do fear eternal punishment, and Catholics do believe that their behaviour here on Earth has some influence on which of those alternatives will be their lot, but that is not quite the point of behaving in such a way; rather, the point is to *imitate* Christ, to behave *like* Him as far as that is humanly possible, because of fear, because of a desire for joy, but most of all because of sheer love for Him and recognition of His infinite goodness²⁰. Putting piety aside, and returning to common parlance, the point is a qualification of the Stoic belief that virtue is its own reward: granted, so it is, but only to a certain degree. Though the Stoics had a "decidedly strained notion of what flourishing consists in" (MMP, 194), as strained as it may be there will come a point in which one's stock of answers to the question 'Why behave well?' will, as far as rationality is concerned, be depleted.

Christians and Jews, on the other hand, can still answer 'Because that is the Lord's will and His goodness is infinite'. If, however, there is no Lord, let alone an infinitely good one, whose will in the end would justify our endeavours to deal fairly with each other, the notion of human flourishing becomes doubtful, that is, it becomes difficult to see what point there would be in a man's flourishing. Perhaps one does not need such a notion to be virtuous and to take pleasure in those things which are generally deemed

²⁰ It is perhaps worth remarking, if only in passing, that their ignorance is two-fold, for one does not need to believe in the immortality of the soul, and thus in eternal reward or punishment, to abide by the law, as the Sadducees give proof.

good achievements (wealth, prestige, etc). Perhaps someone can say ‘I’ll just have a jolly good time’ and be jolly without stepping on his neighbour’s toes, but it is not so clear that anyone could *build* a moral theory around such a foundation, for in the end what is the point of weighting the scales? Having a *more* jolly time? But that gives no justification for severe asceticism, indeed, it may well lead to the necessity of trumping others, of using violence and committing injustice.

§10. As it happened with the second thesis of MMP, the difficulties in understanding the first one bring us back to Anscombe’s complaint against modern moral philosophy, the belief in the possibility of justifying the condemnation of the innocent, which is a natural outcome, that being the point of the essay.

Though a moral theory founded on divine law will need a preliminary clarification of psychological concepts, we have already seen that a non-philosophical man will need no theory at all: he has an idea, however threadbare, of what is for his advantage (God’s will) and he has laws to guide him in that direction (God’s laws). He thus knows that to be unjust is a bad thing for him, for it makes a bad man out of him: a man who disobeys God’s will. The difference between him and a philosophical man who believes in divine law, other than that he will express his knowledge by remarking that injustice makes him bad *qua* man, is that he notices that his use of the word ‘justice’ is not shipshape. The difference between him, in turn, and his secular colleagues is that they require an explanation of “how an unjust man is a bad man, or an unjust action a bad one” (MMP, 174). The problem is that

to give such an explanation belongs to ethics; but it cannot even be begun until we are equipped with a sound philosophy of psychology. For the proof that an unjust man is a bad man would require a positive account of justice as a ‘virtue’. This part of the subject-matter of ethics is, however, completely closed to us until we have

an account of what *type of characteristic* a virtue is – a problem, nor of ethics, but of conceptual analysis – and how it relates to the actions in which it is instanced: a matter which I think Aristotle did not succeed in really making clear. For this we certainly need an account at least of what a human action is at all; and how its description as ‘doing such-and-such’ is affected by its motive and by the intention or intentions in it; and for this an account of such concepts is required (MMP, 174).

The modern moral philosopher, then, does not know in anticipation that the injustice of an act makes that act bad. To use his terminology, he does not know that an unjust act is *morally* wrong, and so does not know that to condemn an innocent man, to use him, say, as a scapegoat, cannot be made good by the most desirable consequences, say, a peace-treaty with a foreign country which would crush us had we not killed that man. He will say that the injustice of the specific act of killing poor Smith, whom he sincerely pities, was morally necessary, the well-being, in fact, the very *existence* of the fatherland evidently overriding Smith’s well-being and existence.

It is required, then, that modern moral philosophers be shown what a bad way they are in, that they be taught the injustice involved in the course of action they propose. Their moral education will comprise two steps: first, we shall help them to get rid of their notion of *moral* obligation; and second, we shall teach them what justice is, or what ‘justice’ means. This second step, however, we cannot take, since we ourselves lack a satisfactory understanding of the concept. Being disinclined to idleness, we immerse ourselves in the matter, become engrossed, and then entangled: in our quest for the concept we find a chain of others standing in need of explanation. We need first to explain ‘virtue’, but before this, ‘action’, before this, ‘intention’, ‘motive’, and so on. This applies also to the theistic philosopher who, in contrast with his less high-minded coreligionists, will need a theory.

This is Anscombe's point about conceptual analysis, the second half of (1), which we had already understood. But it is very important that we should understand the first half, which we have taken for granted despite the fact that it is not altogether clear what Anscombe meant by 'ethics' when she says that it is not at present a profitable activity. That 'ethics' is not an unproblematic concept is shown by something Anscombe pointed out about a certain speaker in a radio programme, one Margaret Knight, who declared that we need not have religion to have morality. Anscombe then expresses her astonishment at not having heard anyone ask at the time the important question of *what* morality was being alluded to, and indicates as the reason for this that "[i]t always seemed to be assumed that if you could have morality, it would be... well, morality" (M, 113).

In a similar way, it seems to have been assumed that the question to be asked about the dictum 'Banish ethics!' was 'How do you mean, *banish*?', and not 'How do you mean, *ethics*?'. I think it would be quite expedient to understand what Anscombe meant by the term, since, first of all, when it becomes clear, it will be easy to acquit her of the charge of incoherence, because it will be shown that there is a significant difference between what she thought should be temporarily banished and what she went on to do.

We are given a hint at this distinction when Anscombe says that "[her] interest in moral philosophy has been more in particular moral questions than in what is now called 'meta-ethics'" (ERP, viii). But, yet again, this seems rather to *add* to the problem than to help us: it could cross our minds some such thing as that, when rejecting *ethics*, she meant *first-order* ethics, and so that the *ethical* character of her subsequent essays was really *metaethical*, as her insistence on doing conceptual analysis apparently indicates.

We will see by and by why this would be misguided. In doing so we shall find Roger Teichmann to be of use, though more for his well-intentioned mistakes than for the correctness of his conclusions. Commenting on Anscombe's description of her own work, Teichmann notices that the distinction between "'first-order ethics' and 'meta-ethics' is not a hard and fast one", and he has doubts concerning whether "Anscombe would have thought it was"²¹. Nevertheless, he adds that "a rough and ready distinction can be made" and that he will focus on "Anscombe's meta-ethics – her moral theory"²², going indeed so far as to remark that her "more meta-ethical pieces" are, naturally, those where "the 'Catholic' aspect of [her] moral philosophy (...) is really not so evident"²³.

But, if Anscombe *herself* denies that she has had anything to do with metaethics, what motivates Teichmann's insistence? Perhaps Anscombe was not very accurately aware of her achievements. That *can* happen. I think, however, there is another way of looking at it. I tend to believe, as a matter of fact, that Anscombe would not quite think it an *achievement* if someone, noticing her deep-seated modesty, would ever try to help her in seeing what beautiful things she had written on the topic, and what a great thing that was. Her use of the term when she dismisses it is clearly derisive: she mentions what is *now* called 'meta-ethics', and even if we miss the irony suggested by the scare-quotes, the use of 'now' makes it quite clear, for we know what she thought of her contemporaries' work on the subject.

What I think Teichmann did not realize was that there is a difference between what Anscombe meant by "particular moral questions" and "meta-ethics" and the way in

²¹ *The Philosophy of Elizabeth Anscombe*, 83

²² *ibid.*

²³ *ibid.*, 84.

which he uses the terms, so much so that he assumes the former to be interchangeable with the expression 'first-order ethics'. By metaethics and first-order ethics Teichmann means what is generally meant users of such terms. I mean, in the sense that 'metaethics' can be roughly defined as 'the most general kind of ethical theorizing', including such questions as 'What is the source of morality?', 'Why do humans react in the way they do to moral happenings?', 'Which things are moral?', and the million-dollar questions, 'What *is* morality?' and 'Does morality *exist*?'; and he uses 'first-order ethics' in the sense that it means the analysis of specific moral problems, such as abortion and euthanasia, and the discovery (or invention) of philosophical principles regulating how people should (*morally*) behave. It is supposed that these two kinds of enquiry provide us with a picture of the whole field. I think such a picture does not fit Anscombe, even in the deflated case where we only allow a rough and ready distinction. She would find the characterisation of both fields, as well as the distinction, to be spurious.

First, in what regards metaethics, it is telling that the only occurrence of the term in Anscombe's works is the one quoted above. Now, we *may*, though I should not think it good counsel, forget this, for of course one does not need to know the name of a certain activity for it to be said that one is indulging in it, and though Anscombe *knew* it, there can be a variety of reasons why she used it only once, even if to dismiss it, though this last bit looks like a rather queer phenomenon. We may even doubt her dismissal to be derisive.

The nerve of the matter, however, lies in the fact that she would most probably discard as nonsense, silly or a waste of time the kind of questions usually put forth in metaethical considerations. An exception, perhaps, might be found in those which relate to psychology, for Anscombe herself stressed the importance of it. But it is plain she

does not think *those* questions to be properly included under that heading, for in the same breath that she dismisses, not to say rejects, metaethics, she says that insofar as she has had any interest in “general questions of moral theory”, she has “thought them tied up with problems of action-description and unsettlable without help from philosophy of mind” (ERP, viii).

Here it should be noticed that what is usually meant by psychology as an essential field of metaethics is related to psychological *facts*: the selfishness of human kind, the hardships of monogamy, and what not. These are indeed important, especially insofar as they are needed for an account of human nature, for that enquiry is bound to demand some digging into empirical considerations. That is *not* what Anscombe was referring to: she took up the expression ‘philosophy of psychology’ from Wittgenstein and, as the last quotation shows, it poses the same questions as what we now call the philosophy of mind, questions, that is, regarding the understanding of concepts like ‘intention’, ‘pleasure’, etc.

It might be objected that, since the philosophy of mind is *also* a crucial field in metaethics, Anscombe can still be said to have done *something* in that direction. Against this, I shall appeal to a principle Anscombe also took up from Wittgenstein, namely, “Say such-and-such if you like, so long as you are clear about the facts”²⁴. The facts are that she did not consider her endeavours to be well catalogued under that name, and more importantly, that she rejected the very idea of such a distinction, a thing also

²⁴ See her symposium with J. L. Austin on the topic of “Pretending”, *Proceedings of the Aristotelian Society, Supplementary Volumes*, Vol. 32 (1958), pp. 261-294. This is my favourite formulation, which is the third one. She uses it first on p. 289 and the last two consecutively on p. 291.

stressed by Wittgenstein and which we can see in the character of her work, since she *never* discusses *any* ethical problem, be it abortion, euthanasia, simony or sexual intercourse, separately from considerations about supposedly more general matters like intentionality or voluntariness, and vice versa²⁵. You can, of course, keep saying that since the questions posed by the philosophy of mind are pertinent, and more than that, *crucial* for any metaethical discussion, and since Anscombe is a noteworthy philosopher on the former field, *then* she did throw a lot of light on the latter. The most I can say is that is certainly true, *if* there is such a field.

The principal difference between what Anscombe meant by ‘particular problems of ethics’ and what Teichmann and most philosophers mean by ‘first-order ethics’ I think is this: though we assume, generally, that someone writing about moral problems will, eventually, invent (or discover) some principle which will tell us what we should in any given situation; and that applying some such principle to particular problems is what first-order (applied, practical) ethics is all about, that is, the construction of moral systems, it is plain that Anscombe does not have such a system to tender, and indeed that she rejects any of the so-far developed proposals, and even (*if* she does not in fact think it impossible for anyone to devise a moral system) the possibility of a new one

²⁵ This not just because examples facilitate explanation: “while it is because of a big gap in philosophy that we can give no general account of the concept of virtue and the concept of justice, but have to proceed, using the concepts, only by giving examples; still there is an area where it is not because of any gap, but is in principle the case, that there is no account except by way of examples; and that is where the canon is ‘what’s reasonable’: which of course is *not* a canon” (MMP, 189-190).

being offered for the time being – until, that is, the other tasks she proposes are completed:

It [sc. the practical syllogism] can only come into ethical studies if a correct philosophical psychology is requisite for a philosophical system of ethics: a view which I believe I should maintain if I thought of trying to construct such a system; but which I believe is not generally current (I, §41)

This *could* seem rather mad, for it *could* be argued that since Anscombe was a Catholic, and the Catholic Church teaches a quite sophisticated moral doctrine, then she must believe she already possesses a moral system. But is that doctrine what we might call a *system*? Again, up to a point you can say so if you like, we are not going to discuss over words. But if we stipulate the meaning of ‘moral system’ as a set of positive principles as to what human beings must do, we shall find that the Church has no such thing to offer. Remember that the Church’s moral doctrine is based on the Ten Commandments, and that most of these are *negative* principles, that is, principles which tell you what you may *not* do, but which say nothing as to what you *should* do.

This deserves qualification. After all, the Church has at least *some* positive principles, namely those which prescribe the virtues, e.g. ‘Cultivate chastity’ or ‘Be humble’, and that great commandment, ‘Love thy neighbour as thyself’. But these principles are rather general in character, so much so that the latter has been mistakenly read over and over again, e.g. as annulling the teaching that Christians must fear God; and, in what regards morals, as conducive to pacifism, as being incompatible with the principle that there are wars worth fighting, *just* wars that is to say. Virtue-prescriptions, moreover, need further work, that work Anscombe insists so much on, the study of the virtue-concepts, in order to be usable as standards. The point is that, while such general principles are indeed put forth, the Church does not prescribe *specific* actions as worthy

of pursuit, as *good* actions, though some *kinds* of actions are indeed *suggested* as being good or bad, *generally* good or bad, that is.

§11. These two points, about the desirability of having general, mainly negative, principles, rather than specific ones, and about the suggestion of goodness or badness characteristic of some kinds of actions are of importance in Anscombe's ethical works. To see this, let us look at some of her remarks on the doctrine of double effect. In order to illustrate it she recurs to a variant of the stuck pot-holer case, the original version of which was first conceived to be of use as an attack against the permissibility of abortion:

Imagine a pot-holer stuck with people behind him and water rising to drown them.

And imagine two cases: in one, he can be blown up; in the other, a rock *can* be moved to open another escape route, but it will crush his head. He will be killed by it (...).

[T]he 'doctrine of double effect' is supposed to say that the people could move the rock, though they must *not*, not on any account, blow up the pot-holer. And this is what is found intolerably artificial and unnatural. But we may ask: Is that because of what is aloud, or what is forbidden? (AIDE, 221-222).

The doctrine of double effect is undoubtedly central for an understanding of Anscombe's moral philosophy. The way in which this is true, however, is not quite direct. As far back as in 1961 she voiced complaints about the use Catholics were making of this doctrine, remarking that if its denial "has been the corruption of non-Catholic thought", it is nevertheless the case that "its abuse [has also been] the corruption of Catholic thought" (WM, 54), due to what she describes as "double-think about double-effect" (WM, 58), which is, in turn, a result of the influence of Descartes.

The point of the doctrine is a distinction between intention and foresight: when I am faced with a situation in which an absolute prohibition is in force, the action I end up performing cannot be such that I disregard that prohibition, but there may be circumstances when, though I do not intend the violation of that prohibition either as a means to my end or as the end of my action itself, I can foresee that the effects of what I am about to do will be such as to fall under that prohibition: according to the doctrine of double effect, there may be cases where I am not guilty of, say, murder, though the death of an innocent man, the possibility of which I foresaw, results from what I did. This, as Anscombe points out, is very common in medical procedures: a surgeon performing a liver transplant knows quite well that that is a highly risky procedure, that the death of his patient is a likely effect of what he is doing, but his foresight does not, of course, imply that he intended the death of his patient if it happens.

This is a straightforward case, but there are many which are much less so. Take the pot-holer's again. If I blow him up, I have intentionally killed an innocent man: I am thereby guilty of murder. But what if I just move the rock? The corruption Anscombe mentions comes to light when someone says that *if* you do not *intend* to kill him, though you *know* he will die, you are acquitted: you need only “‘direct your intention’ in a suitable way” (WM, 59). This means that, since intention is “all important (...) in determining the goodness or badness of an action”, under the auspices of this internal procedure we can render “any action lawful” (ibid.).

The solution to this, as is well-known, is to show that an intention is not “an interior act of the mind” (ibid.)²⁶, but the mistake comes before we accept Cartesianism, for

²⁶ The discussion of this very important problem cannot have a place in this work. It is sufficient to point out that Anscombe accepted the solution described.

prior to accepting it one must believe the doctrine of double effect to provide an answer to the question ‘What if I just move the rock?’. The doctrine of double effect, however, “does not say what necessities excuse foreseeably causing death” (MME, 276), and so “it does not tell us what to allow and what to forbid when we have left the area of intentional killing” (AIDE, 224-225).

Though Anscombe thought she was clarifying the doctrine with such remarks²⁷, she eventually realised that it in fact implies an answer to the question just mentioned, namely by the “absurd device”, somewhat similar to though importantly different from the previous one, of “choosing a description under which the action is intentional” that can render it harmless, meaning that what is signified by the description chosen is *all* that is being done as the means for a certain end, opening a possibility for someone to say, e.g. “I am merely moving a knife through such-and-such a region of space’, regardless of the fact that that space is manifestly occupied by a human neck” (AIDE, 223). As Anscombe remarks, though it is in fact true that an action may have many different descriptions, some under which it is intentional and others under which it is not, one cannot “choose just one of these, and claim to have excluded others by that” (ibid.).

It follows that we must abandon the “package deal” (ibid., 222, 224) version of the doctrine and “split it up” (ibid., 225). By splitting it up, Anscombe arrives at two principles. The first one she calls ‘the principle of side effects’ and it states that “the

²⁷ See MME, pp. 274-277, from which she took many passages included in AIDE. It is interesting that both essays are from 1982, meaning that she realised what I explain in what follows quite suddenly after more than 20 years defending the doctrine. One can almost *see* it happening.

prohibition on murder does not cover *all* bringing about of deaths which are not intended”, for though such deaths can be murderous, “the quite clear and certain prohibition on intentional killing (...) does not catch you when your action brings about an unintended death”, and so we can only say that “where you must not aim at someone’s death, causing it does not *necessarily* incur guilt” (ibid., 220), but of course it *may*, and quite often. Thus Anscombe preserves that part of the doctrine which accounted for the possibility of excuse, and even exoneration, for the (unintended) causation of death, without thereby implying that that is *always* possible.

The second principle is stated thus: “The intrinsic certainty of the death of the victim, or its great likelihood from the nature of the case, would exclude moving the rock” (ibid. 225), or more generally, would exclude the causation of a death which one *did* foresee though did *not* intend. Like the first one, this principle “tells you rather what you can’t do than what you can” and is “particularly devised for the causing of death; causing of other harm is not covered by it” – “I think”, she adds, “that these are *not* faults” (ibid., emphasis added). This shows that saying that Anscombe would prefer a moral theory mainly composed by negative principles is true.

§12. There are, however, positive principles she accepts. One of them is Christ’s law of love, but we have seen that that is too general to be action-guiding without further clarification. Another one is the Pauline dictum in Romans 3:8 that we may not do evil that good may come. This, of course, does not signify that Anscombe used that principle as the basis for a moral system, that is, as the skeleton key to every possible moral problem. Contrast it with the consequentialist principle that one must always act so as to produce the best consequences: it is evident that it purports to be such a key.

The difference between the two is that St. Paul's doctrine says nothing about what things are evil and what good, but merely that, when you can figure it out that *a certain action* of yours is *an* evil, doing it is out of the question, even if you can also figure it out that it will result in some good. The consequentialist principle, on the other hand, is used precisely as a standard to determine what actions are evil and what good, those actions being evil and those good which, respectively, bring about the best or the worst (perhaps they need not be the worst, maybe it is sufficient that they are not *the* best; either way this is irrelevant) consequences.

This implies another, deeper, difference, which regards the notion of 'circumstances'. A consequentialist will hold that *whether* this or that action is good or evil is *always* determined by the circumstances, and so that no *kind* of action can be evil or good in itself; St. Paul would say that there are kinds of action which are *intrinsically* evil or good, the point of considering circumstances is not to see whether a certain action is made evil by them, but to let us know whether it *belongs* to a kind of action which is evil or good. Let me put this in a more formal way. The consequentialist will say that action *A* will be an evil one if it fails to bring about consequence *E*, which is either the best possible or at least a good one, but since the consequence brought about by an action depends largely on the circumstances in which it is performed, and further, since to say that *E* is the best or a good consequence requires a contrast with other possible consequences, and thus with the circumstances *C* of the case in hand, it follows that to hand down a verdict on *A* one must first enquire into *E*, and this cannot be done without an account of *C*.

St. Paul, or Anscombe, will say two things: first, that if *A* belongs to the class of kinds of actions *K*, which are those about which there already exists a verdict, then we have to look that verdict up, but that to hand it down we'll first have to formulate an

account of *C* in order to see if *A* belongs to *K*; second, if, on the contrary, *A* does not belong to the class of kinds of actions *K*, but either to *Q*, which is the class of kinds of actions which only *suggest* a verdict, or *R*, which is the class of kinds of actions which are indifferent, that is, which neither are nor suggest good or evil, then we need further ways of understanding if a given *Q* or *R*-action is good or evil in circumstances *C_n*, which means that we shall probably make use of the consequences *E_n* they brought about. A consequentialist would of course reject the Pauline-Anscombean teaching, since for him what may come dictates what I may do: if what comes is bad, I may not do it, if good, I must, I am *morally obliged* to. This is but an elaborate way of saying that a consequentialist will not accept absolute prohibitions in what regards his actions.

The fact that there are prohibitions entails, of course, that there are also obligations, even if those are negative in character: to say that I have an obligation not to press that button and that I am forbidden to press it amount to the same thing. According to St. Paul, and Anscombe, I then have an obligation not to perform evil actions in order to secure good outcomes. But what kind of obligation is that? We have seen that Anscombe rejected the idea of there being a *moral* kind of obligation, while accepting the existence of, and commending the belief in, obligations issued in the form of divine laws. Since Anscombe subscribes to the presumptions on reasonableness of the Catholic Church with reference to its moral teachings, we cannot accuse her of considering such-and-such to be good because God commands it. On the contrary, she would say that God commands such-and-such because it is good. How, then, is an obligation operating over moral subject matters *binding*? It seems to have something to do with good and evil, but how do those concepts come in?

§13. I have quoted Anscombe's remark that the concepts "'should' or 'ought' or 'needs' are related to good and bad" (MMP, 174) and connected this with her belief that

“essentially the flourishing of a man *qua* man consists in his being good” (ibid., 193). We have also seen that “the mark of being bad *qua* man” (ibid., 176) is failure in virtue. To say that a man is this or that *qua* man amounts to saying that he is bad under the description ‘man’. This is not a piece of nonsense: for *a man* to be bad under the description ‘man’ is for him to be bad, not really under no description at all, but rather under no *specific* description – he just is a bad sort of human being, regardless of his belonging to a certain *kind* of human being: he is, say, a bad plumber or a bad cook, and additionally a bad type, a murderer or a thief. To cut a long story short, a man can be said to be bad in some or indeed many sorts of technical actions without having to be so in what regards his non-technical actions and passions, but when he is bad in this way he is a bad man independently of his skills. Something like this is meant when we call someone *a monster* because he is *so* bad. Notice that we do not say that he is *like* a monster, we are not saying that he is monstrous in this or that respect, that under this or that description of him he suits our criteria for monstrosity, but rather that that *thing* there, e.g. Leon Trotsky, to avoid the usual example, cannot *be* human: we deny his humanity altogether.

Anscombe would not, of course, agree that a someone’s habitual pursuit of great evil entitles us to see him or her as not a human being at all, but she would be aware of the truth from which that account springs, namely, that the pursuit of good is the most essential requirement posed by human flourishing, and further that the nature of that good which is pursued has some relation to human nature.

To put it in a more general way, since what is good for a certain thing is what will promote its flourishing, what counts as the good for it depends on its nature, that is to say, on the nature of its kind, and this implies a reference both to the conditions under which it lives *and* to what sort of abilities it has. Thus, in order to flourish, a wolf will

need, among other things, moose galore and scarcity of humans plus the abilities of running after and killing moose, while a moose will need greenery galore and scarcity of wolves plus the abilities of getting dandelions and stripping barks and running from wolves²⁸.

This is of course true of humans as well, since we also need to flee from and get certain things. There is, however, an important difference. A wolf and a moose will be good or bad to the extent that they succeed or fail in fleeing from what may harm, or getting what may benefit, them: a good wolf will score high in its moose-killing record and a bad moose will have very few entries in its wolf-fleeing history. Wolves, moose and the other brutes can only be said to be good or bad in a technical sense, because, insofar as they are able to discern connections between means and ends, what ends they may have must remain particular. Human beings, on the contrary, are able to pursue general, as well as particular, ends: ends like “health and happiness and science and fair repute and virtue and prosperity”, not just “that such-and-such a thing should be in such-and-such a place at such-and-such a time” (AM, 48). This way, the distinction between human *conduct* and animal *behaviour* does not depend on the consideration that in human actions “calculation is used by which to ascertain the means to perfectly particular ends”, for there is a sense in which non-human animals can be said to do just the same thing, but on the fact that “the reckoning what to do or abstain from in particular circumstances will constantly include a reference, implicit or explicit, to generalities” (ibid.).

²⁸ This shows why there is some truth in William Blake’s famous saying that “One Law for the Wolf and the Moose is Oppression” (though not *quite* as he meant it).

§14. Anscombe is here evidently paraphrasing Aristotle's famous definition of *phronesis*, and stressing its role as the *auriga virtutum* by adding that those generalities are "an important part of what makes morality" (ibid.), for though we do not employ *phronesis* when formulating general principles, we nevertheless use it to apply them to particular circumstances. To show what is meant by a *general* principle Anscombe lists the following: "to do good and avoid doing harm; not to do what will get you disrepute; not to do what will make you poorer; not to take other people's property" (ibid.). These principles give rise to many questions, like which of them "are true and which false; which quite general and which to be modified in suitable circumstances; whether indeed they can be called true and false, right and wrong, and why; what should be the application of this or that one in describable particular situations" (ibid.).

Understanding these questions is of the utmost importance to understand Anscombe's moral philosophy, so let me put them in a clearer form: 'Do moral principles have truth values?'²⁹; 'If, or if not, so, why do, or do not, they have them?'; "Which principles are (or can be made) true and which are false?"; of those that are true, "Which are yet excessively or insufficiently general?"; and finally 'How are the principles at which we have arrived to be applied?'.

We can further subdivide the last question by using the concept 'application' in two different ways: (1) 'How do principles guide one in particular situations?' and, since a principle can be too general to be directly applicable without nevertheless deserving modification, (2) 'What further principles can I derive from *this* principle?'.

²⁹ A disclaimer is perhaps necessary here: '*moral* principles' refers, again, to principles applying to moral matters, matters concerning human non-technical actions and passions, not to principles of a special, *moral*, sort.

The first of these we can answer right away. We can see that it is related to the final question in the chain of those that make an appearance in what Anscombe calls “the method of casuistry”: “What is it right to do in such-and-such circumstances?” (MMP, 185), for to ask how a principle may guide me in a given situation is to ask how I can act *rightly* in that situation. But is there a definite answer? Obviously not, for, since the circumstances involved in a particular situation are pretty sure to “suggest all sorts of possibilities”, and since it is evidently beyond anyone’s reach “to know what the possibilities are going to be” (i.e., *all* of them), it follows that no particular action can be prescribed, and so that one can only “speak *against* some action” (ibid.). The only exception to this would be the case in which “it would *not* be permissible *not* to do so-and-so”, e.g. it is not permissible not to feed a starving child. This exception, as Anscombe adds, is necessarily rare, for “the positive precepts (...) hardly ever prescribe, and seldom even necessitate, any particular actions” (ibid., note).

There are two things worth noticing here. The first one is that though we cannot in most cases prescribe, we can certainly forbid the adoption of such-and-such means to deal with a particular situation. But it is not *always* possible to determine whether a certain action is forbidden, for there are borderline cases to consider. However, to say that there are *borderline* cases is, evidently, to say that there are *central* cases. The point here is that we can never be quite certain of the total scope of a given prohibition: though there are cases in which it is applicable in its full force, there must be at least *some* which will give rise to doubts. Remember that Anscombe said about the pot-holer case that though the prohibition on murder put the direct killing of the man out of consideration, e.g. by surrounding his belly with dynamite, it is open to argument whether to move the rock blocking another escape, though this would kill him, was or was not forbidden: we cannot determine at a glance whether this procedure would be a

case of murder. This is an instance of what Anscombe called “problems of action-description” (ERP, viii), one of the two kinds of general questions she thought essential for ethics.

The fact that classifying as murder the intentional killing of the pot-holer forbids us to do anything which may be so described implies that some form of necessitation holds in such cases: ‘*if* surrounding the man with dynamite is a case of intentional killing, *then* I cannot do it’. This is the second problem I was thinking of as noteworthy, for to say that a precept *seldom* necessitates is of course to imply that it *can* necessitate. But here it might be asked: ‘How do you mean ‘*seldom*’ (and ‘*can*’)? Isn’t it obvious that a precept *always* necessitates? For a positive precept creates an *obligation*, and so *necessitates* that such-and-such *is* to be done, while a negative one creates a *prohibition*, and so *necessitates* that such-and-such is *not* to be done’.

This is, of course, true, but it is also missing the point. For what has been said? Nothing more than that a positive precept like ‘Honour thy parents’ means that there is an obligation to honour parents, while a negative precept like ‘Do not commit murder’ means that there is a prohibition to commit murder. But this is just playing with words. And it is evidently missing the point because someone who talks thus has not noticed that there is an asymmetry between negative and positive precepts. Anscombe’s point is that a *positive* precept seldom necessitates *a particular action*: after all, how many ways are there of honouring a parent³⁰? This is not said about negative principles, for the obvious reason that a negative precept *never* necessitates any action at all, rather, it

³⁰ We do, however, generally know when a particular action will be a violation of a positive precept, e.g. refusing food to a crippled mother is an obvious case of failing to honour her.

necessitates that a number of actions are not to be performed, thus leaving the possibilities of alternative actions to be considered by one's imagination, including the possibility of doing nothing at all. What is similar between negative and positive precepts is that the scope of their application is not definite, that though there are cases which can be seen to be central, many others will fall in the borderline, and so will be obligatory or forbidden to the extent that they can be said to be near to the central ones.

Given that a positive precept *can* bind one to do a certain thing and that a negative one will put various courses of action out of the question, what kind of obligation is involved? It is certainly not a matter of logic. And we have seen that it is not divinely ordained, so to speak, for though Anscombe's moral theory is couched in a legalistic framework, it is not legalistic in character, that is to say, though the fact that God's laws were promulgated by God is a sufficient condition to obey them, it is not the fact that God promulgated *those* laws that makes them good, but rather that He promulgated *precisely* those laws because they are good. And *there* is the rub: it is not all one to say that we have an obligation to obey the laws we have and that each of the laws we have gives rise to obligations. The difference here is the difference there is between rejecting *a* law, and even perhaps all the *laws* in a certain code, and rejecting the very concept of 'law'. In the latter case we say some such thing as '*Nothing* is forbidden/obligatory', while in the former we say '*This* is not forbidden/obligatory', or even '*This should* not be forbidden/obligatory'. But what are the grounds for saying this? Evidently, that the prohibition(s) or obligation(s) in question are unjust, which amounts to saying that what is forbidden is good and what enjoined bad. Conversely, a man who recognizes the validity of the prohibitions and obligations imposed upon him is a man who regards what is prohibited as bad and what is prescribed as good. If, further, he wants to be good, he will acknowledge the necessity of behaving as he is told to behave. Anscombe,

borrowing from Aristotle's *Metaphysics* *Δ*, defines this kind of necessity thus: "Things are in this sense necessary when without them some good can't be got or some evil avoided" (TKEA, 9).

§15. To clarify this we need first to understand what Anscombe means by "problems of action-description" (ERP, viii). We know at least partially what kind of an enquiry this is supposed to be: it will include questions such as what is, or better, what counts as murder, honouring of parents, etc, what are the criteria to describe a particular action as murder or honouring. We can also see what is its connection with the other kind of general problems that pertain to the philosophy of mind, since I have made use of a definition of 'murder' as 'intentional killing', and an explanation of the concept 'intention' is a task for that philosophy. That definition is, however, insufficient. To show why this is so will bring much clarity on our topic, so let us use 'murder' as a case-study in our quest for a full grasp of the problems involved in the description of actions.

Anscombe lists two common ways of mistakenly defining 'murder': to define it as 'wrong killing', even when to this is added the qualification that it be deliberate, and to think of it as "a purely juridical notion" (PPDM, 255). Let us look first at the latter. Anscombe suggests that the origin of this mistake lies in the consideration that there are cases in which it is legitimate for a human being to kill another human being, namely when a soldier or an executioner is endowed to cause death by the authority of the state. This, however, only shows that murder cannot be defined "without reference to the state, to government and laws, where these exist" (ibid.). But it does not, in turn, mean that the killing of a human being can always be justified with reference to that authority, only that there are cases in which that is so, for when the state, the government or the laws are unjust their authority ceases to be legitimate. As a matter of fact, the point of

excluding 'unlawful killing', taking 'unlawful' in a strictly juridical sense, as a definition of murder is precisely to prevent that anyone conclude that murder can only be "what the state disallows in the way of deliberate killing, while it itself can have its licensees do whatever it pleases" (ibid.). In short, though there is such a thing as the authority of the state in what regards the causation of death, that authority is not inalienable, as is shown by the enforcement of *jus cogens* in international judgements. This, of course, implies "that there is a moral notion of murder".

By "a moral notion of murder" (ibid., 257) Anscombe means one connected with the natural law³¹, that is to say, one "conceived as a law prior to the setting up of positive human law" (ibid.). We need not, however, revert here to the other mistake, that of defining murder as 'wrong killing'. To do this would be to preclude the possibility of wondering whether in a certain situation murder could be the thing to do, since it would mean that the "judgement that it would be wrong [would have] gone into the decision to *call* it murder", which would of course make the prohibition concerning murder a redundant one, and so render the concept of murder itself useless. The point of there being a prohibition on murder is to exclude as wrong those killings brought about in certain ways, that is, to exclude any action specified under a description that would equate it to murder. The use, then, of that concept is precisely to set up a standard "not modifiable by the one who is seeking an answer" (ibid.) to his doubts on whether it would be right or wrong to kill another human being in circumstances *x*, *y* and *z*.

To add the qualification 'deliberate', though it will be of some avail, is not sufficient: the phrase 'deliberate killing', which I shall take as equivalent to 'intentional killing', simultaneously says more and less than it should. It says more than it should in that

³¹ In *this* sense, one can reintroduce the adjective 'unlawful'.

through it the possibility of justifying a killing with appeal to civil authority is brushed aside; and it says too little because a killing need not be intentional to be murderous, sometimes it suffices that, though unintentional, it be voluntary.

An adequate account of murder will need to do justice to the fact that it is “a complex and high-level action description”, and so must come to terms with “the agency peculiar to man, his social being and possession of laws, his moral subjectivity and mystical value”, with the characteristic form of life which is human life, “the whole man” (PPDM, 260).

Anscombe’s own summary account is that “murder is killing which involves a special degree and kind of responsibility for death” – “a responsibility”, she adds, “which is guilt” (MME, 261). This account relies on a distinction between three degrees of responsibility: mere causality, “callability to account” and, finally, “guilt itself” (ibid. 261-2), the relation between the two last being such that, when a person is “callable”, and so is implicated in a given situation to the extent that an answer is required from him, he will automatically be guilty of what happened if his answer does not exonerate him. When that is the case, one must attribute “the greatest sort of responsibility for a death”, which “entails that one has committed murder” (ibid. 262). Notice that being implicated, in Anscombe’s model, does not mean that one is a suspect in an investigation, but rather a defendant in front of a jury. In this sense, there are only two kinds of answer which will lead to his acquittal: either he did nothing at all and there was no duty compelling him to prevent that death, or he did something in a rather thin sense of ‘doing something’, that is, in a sense such that his responsibility can be assimilated to the first degree, mere causality: he brought it about as a piece of nature, as it were, *his* body did it. This implies that there are also two kinds of answer which

will result in his condemnation: either he did nothing and there *was* a duty compelling him to prevent that death, or it was *him*, and not just his *body*, who did the deed.

Here one could think of making an aphorism: ‘Voluntariness entails guilt’. This, however, would be false. The class of intentional actions is indeed a subclass of the class of voluntary actions, and not all intentional killings count as murder, namely those that are justly commanded by civil authority. When we consider this adverb, ‘justly’, we get what Anscombe calls the “central part” and the “hard core” of the extension of the concept of murder: “*the intentional killing of the innocent*” (ibid.). That this is not all there is to the concept is shown both by the fact that some killings are murders which, though not intentional, are voluntary, for *some* voluntary killings are murders; and by the fact that some intentional killings of the non-innocent are also murders: those undertaken for revenge and “*planned killing by a private person in self-defence*” (ibid. 263; my emphases).

Until now we have arrived at the following conclusions: *any* intentional killing of an innocent person is murder; *any* intentional killing by a private person of another person is murder; some non-intentional but voluntary killings of a person are murder; no non-voluntary killing of a person is murder. These descriptions vary considerably in generality, the first two being the less general of the lot, despite the fact that both are universal propositions, while the last two are more general though each of them includes an existential quantifier. We have now to see what it is for an action to be intentional or voluntary and which criteria distinguish a murderous from a non-murderous non-intentional voluntary action.

§16. Anscombe’s criterion to distinguish intentional from non-intentional actions is to verify whether the question ‘Why?’ made in a certain sense is granted or refused

application, viz. in the sense in which it yields an answer which gives a reason for acting. An answer will *not* be of this kind if the agent cannot be said to have known what he was doing, if he *discovered* what he was doing at some moment or if it is a statement of evidence (e.g. an attribution of a cause for the action). Conversely, an answer *will* be of this type if it satisfies one of three conditions: if “an interpretation of the action” is given, that is, if it is shown to be “connected with ‘interpretative motive’” (meaning: a forward-looking motive which puts an action in a certain light³², e.g. ‘Kissing thus is an act of tenderness’); if there is “mention [of] something future”, that is, if mention is made of “the intention *with which*” an action is being performed (e.g. ‘I am pulling this stick in order to [with the intention of] making the whole thing crumble to the ground’); or if it “simply mention[s] past history”, which will only give a reason for an action if it either can be assimilated to one of the previous two (‘He kissed her out of tenderness’, ‘He pulled that stick in order to [with the intention of] making the whole thing crumble to the ground’), or “if the ideas of good and harm are involved in its meaning as an answer” (I, §16). It is clear that this last is what most interests us here, though of course not every instance of it is connected with ethics, for an enquiry may end with the mention of some technical or quasi-technical good (e.g. ‘I give greens to my baby because they are wholesome’)³³.

³² “I call a motive forward-looking if it is an intention” (I, §13)

³³ Where *harm*, however, ends an enquiry ethical questions make an appearance. ‘Why are you destroying that machine?’. Answer one: ‘It’s just a prank, Joe is quite fed up with it’ – a prank is a (practical) joke, and jokes are, at least most of the times and certainly here, well-intentioned. Answer two: ‘It relaxes me infinitely’ – and relaxation is a good.

‘But’, it could be asked, ‘aren’t the other two also important? For, as to interpretative motives, a man may do a thing out of love, which is good, or fear, which is bad; and as to intentions *with which*, a man may throw a stone with the intention of driving off a boar which is threatening a child, which is good, or with the intention of hitting the child, which is bad’. The objection regarding interpretative motives is easy to meet, for it is evident that what is good or bad is the action which is being interpreted, the putative goodness of the motive of love or badness of the motive of fear being mere prejudice. The other objection also assumes too much: what if he fails in each of them? Are we still to say he did a good thing in the first case and a bad thing in the second? It depends. Did he fail in the first case due to a falling branch or poor eyesight or, being a coward, did he form a last-minute decision to fail on purpose, for example not to make *himself* the boar’s target? Did he fail in the second case, again, due to some kind of accident or incompetence, *or* because he repented? It seems reasonable to say that in the first case incompetence excuses his failure and the alternative makes him guilty, while in the second case it is *more or less* the other way around – I say *more or less* because it might be said that, his over-all purpose being evil, he was guilty *even before* he acted, and so it does not matter whether he failed because there was an impediment or because he was a bad shot, *or* because his heart had a sudden impulse of compassion. These matters are very deep, but I think we ought to make a distinction: if he failed stupidly or accidentally, he deserves justice³⁴; if because he there and then acknowledged the evilness of his purposes, *and* repented, it seems to me he *may* deserve something better

³⁴ I have never been able to *see* the difference between murder and attempt at murder when the act did not materialize due to accident or incompetence. That is, I see the difference, but not the difference it makes. If the point is that *attempting* something is not quite *doing* something then I fail to see why people should be convicted for it.

than justice, *sc.* mercy. The extent to which mercy would be shown to him, however, would of course depend on many things, such as the degree of evilness of his purposes, how long and how thoroughly he had been planning, whether his good impulse was just an impulse or a lasting thing, etc. Anyway, in saying all this I have been precisely mentioning past history, so my point is made.

An action is then intentional if its justification or explanation includes mention to an interpretative motive, to the intention with which the thing is done, or past history where this is either connected with the other two sorts and/or with matters related to good or harm. Now, it can be said that, since in different circumstances we can expect either a justification or an explanation of the action, any action will at least have two different descriptions. This would not be quite correct, since any justification will be an explanation of an action, while the contrary does not hold. Be it as it may, I am not willing to become entangled in such considerations. I need only point to the obvious fact that any action can be, though not justified, at least explained, and thus described, in a multitude of ways.

Imagine a little girl playing knucklebones by herself and that a group of grown-ups is watching. Suppose there are four of them: one is an art historian, another is an expert in games, a third is a farmer and the last is just a man. Let us now imagine four different descriptions they could have made of the action³⁵: ‘She is throwing that thing into the air and catching it again in an awkward pose’, ‘She is throwing that sheep’s bone into the air and trying to catch it again in an awkward pose’, ‘She is trying to master the “horse in the stable” – rather difficult’, ‘She is imitating that game in Bruegel’s!’.

³⁵ Of course it would be more accurate to call it an ‘activity’. For my purposes that distinction is irrelevant.

Now someone asks: 'Of these, what is the description of what the girl is doing?' And we answer: 'Any description of what is going on, with her as subject, which is in fact true' (I, §23). Let us agree that, except for the last, they are all true. Then we can expect to get the question: 'Right, but was is *the* fundamental description of it, I mean, that which gives us *the* intention?', the answer to which is 'There is no such thing. The only events to consider are intentional actions themselves, and not descriptions, since these are not events. To call an action intentional is to say it is intentional *under some description* we either give or could give of it' (I, §19). So let us ask under which description of those listed can we say the girl's action is intentional. Immediately, the first one, 'She is throwing that thing into the air and catching it again', because it satisfies our criteria: unless she is in a sort of spell, she knows she is doing it; unless, again, she is under the same condition and the spell is suddenly broken, she does not discover what she is doing, she knows it without having to observe it; and the description is not a statement of evidence.

What about the other three? The art historian's we have assumed to be false, and so it cannot be a description under which it is intentional. But the other two we have assumed to be true and so they *can* still be of that kind. But are they, *need* they be so? As it is, the answer is 'Yes', because if what she is throwing is a bone the second description is true, while the third is true because one cannot try something without knowing one is trying to do it. Again, if the fourth description were true, it would also be necessarily true, because 'imitating' has the same feature of 'trying'. Let us then forget our assumptions. Which criteria should have to be satisfied in order for us to judge that the last three are true? For the fourth, the girl would have to be acquainted with the painting which is being mentioned *and* she would have to be imitating it; for the third, she would have to know there is a move called 'horse in the stable' *and* she would have to be trying to

master it (she would, of course, have to know of the existence of the game to which that move belongs); for the second, she would have to know that that thing she was tossing was a sheep's bone. These give rise to a variety of problems.

First, what if she knew nothing of Bruegel, nothing of knucklebones and thought she was tossing a curious rock? The second description would remain true, but the other two would be false, and thus could not count as descriptions under which what is happening is intentional. But what if she still was *trying* and *imitating* something, though not a horse in the stables nor Bruegel's painting? Then we would get the formulae 'trying to X' and 'imitating Y'. Would not these be true? That they would not is shown by the fact that these formulae are not really descriptions until we have substituted 'X' and 'Y' by something which will either make them true or false. But do not they have *some truth* in them? For after all we are right in saying that she is *trying* and *imitating*. Here the answer is that it depends. We can say it if there was something in her behaviour which showed she was trying and imitating *something*, and so we only mistook the objects of her actions; otherwise, not. But if we are right, then there is *some truth* about what we said, that is, there is truth about the *kinds* of actions she was undertaking but not about the *particular* actions that instantiate them.

This conclusion, if true, is of a great import. We can see that by considering what we should say if she knew all she had to know in order for the descriptions to be all true. Thus, we could use any of them when asked what description renders intentional the action the girl is bringing about. This we knew already. But now a clever and malicious philosopher who had read *Intention* attentively, and who either was an admirer of Bruegel or had been led by his malice to look the painting up, could object in the following way: 'This won't do. In the painting you are alluding to we have no way of knowing what move the girl is engaged in. But even if we had, even if something in the

image of her body told us with certainty that it had to be the “horse in the stables” move, the art historian’s and the expert in games’ descriptions cannot both be true, for one cannot be at the same time engaged in imitation and in trying something in earnest, and so we would have *two* actions where only one thing is happening, so Anscombe’s thesis would go by the board’. Now, the reason why I called this an instance of malice, instead of thoroughness or learning, is that even if it were true that the two descriptions in question are mutually exclusive, this would not damage my argument, nor Anscombe’s thesis; it would do the trick to assume the art historian’s description to be false, as I first did, and so a good answer would be to point to the irrelevance of the objection. There is, however, a *better* answer, since the two descriptions *can* be true at the same time, for, supposing that Bruegel intended the move mentioned and granting that the girl knew what the move was Bruegel’s character suggests, she could be *trying to imitate* that move, and so would be doing only one thing, since trying to imitate is a step towards succeeding to imitate, and both the success and the attempt are usually called ‘imitations’ (as in ‘A poor imitation that was’). Here he might insist that if, however, the girl was strictly imitating what the painting shows, which is just a girl tossing a knucklebone, and *after* that decided to try that move she had seen her friends doing, do not we *then* have two actions? For then, Anscombe’s criterion that the various descriptions of an action under which it is intentional are related as means to ends would not be satisfied³⁶.

³⁶ “If D is given as the answer to the question, ‘Why?’ about A, B and C can make an appearance in answer to the question, ‘How?’. When terms are related in this fashion, they constitute a series of means, the last term of which is, just by being given as the last, so far treated as end” (I, §26).

I can think of two ways of meeting this objection. First, we may invert the order of the descriptions: she had decided, for whatever reasons (e.g. she knew and loved the game before and seeing the painting prompted her to play) to imitate the girl in Bruegel's and then, taking advantage of the movement she was already making, try to do a 'horse in the stables'. Here 'imitating the girl' can be so understood as to describe a means to the end described by 'performing a horse in the stables'. There seems, however, to be something fishy about this. That is the fact that 'imitating' is a description of a higher order than 'doing the movements corresponding to "a horse in the stables"', while we are accustomed to reason about means and ends in such a way that the ends are characterized by a description of a higher order than the means: 'He moved his arm with a great impetus holding a knife in his hand towards his friend', 'He stabbed his friend (and he died)', 'He killed his friend', 'He murdered his friend'. Here we have a chain of means and ends such that the further we get from the initial link the more complex our descriptions get. Is it always so? We can say 'His moving the knife in this way amounts to stabbing which in those circumstances amounts to killing which in those circumstances amounts to murder', but we cannot proceed the other way around, 'His murder under the circumstances amounts to stabbing, etc...'. Or can we? Perhaps it is only *strange*, not wrong. Either way, since the imitation ended when something was done beyond the information provided by the painting, that is, when the information it contained which could be used as a set of instructions had there been someone guiding her act of imitating was extinguished, and something else was done, there is also the problem of knowing whether that further thing which was done could be said to be a continuation of the imitation, though not, so to speak, an imitating one. We could call it 'artistic creation', which would then satisfy the apparent requirement that an end must be of a kind the description of which is of a higher order than the

means. But for that to be so it would have to be the case that everything had been planned in antecedence, for if it is not, and we come up with such a description of what was done as ‘spontaneous artistic creation’, it is clear that we have two actions under the disguise of one.

This is all very difficult, and furthermore not completely to the point. But I mentioned two *ways* of meeting the objection. The first implied that we accepted that Anscombe’s criterion, that is, her *sole* criterion, to say that we have the same action all along and not one for each description when we have multiple descriptions of it which render it intentional, is that those descriptions have a means-ends structure³⁷. This being so, we would have two structures of means-ends in the case in hand – ‘She is tossing the thing and catching it’ being the description of the means to the end described by ‘She is imitating the painting’; and ‘She is tossing the thing and catching it’ being also that of the means to the end described by ‘She is trying a horse in a stable’ – and thus two actions where there is only one series of events. This relies on the idea that ‘She is imitating the painting’ cannot serve as a description of a means to trying a horse in a stable, which in turn is a result of assuming that a description of a means must be of a lesser order than a descriptions of an end, ‘imitation’ being a higher level description than ‘trying a horse in the stable’.

³⁷ See Annas, Julia, “Davidson and Anscombe on ‘the same Action’”, *Mind*, 85 (338):1976, 251-257, for a defence of this.

Now I want to reject that the existence of means-end relations is Anscombe's only criterion³⁸. That is, indeed, one criterion she uses, and it is, further, the only one she mentions explicitly. But I think it is a species of a more general implicit criterion. I have said that the case in which the girl of my example was really trying something, only not a horse in a shoe, had at least some truth in it. This truth I called 'truth about kinds of action'. But what does this mean? Evidently, that 'trying' is a kind of action, and that we were right in calling the kind of thing she was doing by that name. If she was, then, imitating, though her object was not Bruegel's picture, we are also right about the kind of thing she is doing. What was true about all this? Compare it with the farmer's description which, though true, does not render the action intentional: is that because there is some falseness about it? If we mean that she *knew* it was a bone she was throwing, it is false, but as it is we can say nothing about what she knows, we would have to ask her. Short of that, we just say she is tossing a bone, regardless of what she thinks. But this is so only because throwing a bone is throwing a bone independently of what is thought. This will be important when we consider voluntariness. What matters now is that we can see that there is something which is common to all descriptions and that that thing is true: they are not of the form 'She is throwing a bone which together with certain movements amounts to snapping out a horse in a stable which amounts to an imitation of a scene in a Bruegel', but rather 'She is throwing a bone', 'She is throwing a bone and moving as if she were going to perform a horse in the stable', 'She is throwing a bone in order to imitate that painting'. What is common between them is that they all rely on an act whose description is never doubted: the brute fact we can

³⁸ As anyone should. Of some of the papers collected in ERP she says that they "represent a struggle to treat all deliberate action as a matter of acting on a calculation how to obtain one's ends. I have now become very doubtful of this" (viii).

describe as ‘Girl making a throw’. And it is not doubted because it *cannot* be doubted, that is, if there are doubts these are not about what kind of action she is doing but rather about the occurrence of any action whatsoever. If all these descriptions are true the action performed is intentional under each of them though they do not form a means-end series. We can now give a rough formulation of Anscombe’s more general principle: ‘There is one intentional action under different descriptions when in all and each of them the same brute fact is mentioned or implied, that brute fact being a part of a happening-with-A-as-subject which A knows without observation to be true of him’. This is implied in Anscombe’s account of voluntariness and, indeed, gives the rationale of her thesis that, as happens with intention, a voluntary action can be voluntary under one description and not under another³⁹.

§17. If an action fails to answer the question ‘Why?’ in the required sense, and so is not intentional, then it is either voluntary, non-voluntary or involuntary/counter-voluntary. The distinction between the last two is very subtle⁴⁰, but it is enough that we distinguish intentional actions from merely voluntary ones – the other two will share between them whatever remains of the field.

Anscombe brings up four differences between voluntary and intentional actions, one of which, as we have seen, is that intentional actions are a sub-class of voluntary

³⁹ “Notice, too, that what is voluntary under one description may be non-voluntary or counter voluntary under another” (AIDE, 209); “voluntariness is relative to description of action” (TKEA, 8).

⁴⁰ “We can also easily get confused by the fact that ‘involuntary’ neither means simply non-voluntary, nor has an unproblematic sense of its own. In fact this pair of concepts is altogether very confusing” (I, §7).

actions. As to the other three, actions are voluntary and not intentional if the agent's movements are said to be casual (thoughtlessly, absentmindedly done) or, though not considered by him, "he can say what they are if he does consider them"; if they are "the antecedently known concomitant result[s] of one's intentional action, so that one would have prevented [them] if one had given up the action", in other words, if those results are indifferent to one's purposes, one would have pursued the action even if they did not come about; and finally, if, though not in any way one's doing, they "happen to one's delight, so that one consents and does not protest or take steps against them" (I, §49).

The first difference excludes unconscious actions from the class of the voluntary. Now, 'consciousness' is a very difficult topic, especially because there are conscious actions which are nevertheless not-voluntary⁴¹, but we can see that doodling would be a perfect example of what is meant: '– What's that you are doing with your pencil? – What? O, *this*? Just doodling, I guess'. The second one is the distinction between intention and foresight we have encountered when considering the doctrine of double effect – I shall say more of it presently. The last difference deserves qualification, for, if something one is undergoing can be said to be voluntary then it must be open to one either to consent or to protest and take steps against it. Anscombe is here introducing Aquinas' doctrine that a voluntary "act cannot be subject to violence", for though "[a] man can be dragged violently", for this to be voluntary "is contrary to the concept of violence"⁴². This, however, only applies to the two last objects of constraint: if someone ties me to a tree and puts an apple in my mouth he has destroyed my power to take steps or protest against whatever he does. I can, theoretically at least, though it would be

⁴¹ I shall use 'not-voluntary' as a blanket concept for 'non-voluntary or involuntary/counter-voluntary'.

⁴² *Summa theologiae*, 1a 2ae q.6, a.4 c. The translation is from Anscombe in S, 129.

weird⁴³, still be consenting to what is being done. How can one destroy consent? It is evident that it *can* be destroyed, as Aristotle points out when he says that “those who act under compulsion and *unwillingly* act with pain” (*EN* 1110b11; my emphasis)⁴⁴. So consent is destroyed whenever one takes delight, as Anscombe says, on what one is undergoing, even if it was not one’s decision that lead to it.

§18. We are reminded of another way in which consent is destroyed by the legal maxim ‘Fraud vitiates consent’. Anscombe, criticizing Glanville Williams⁴⁵, who thought the maxim false, considers it to be an instance of a more general maxim to be used in moral philosophy: “Error destroys action” (TKEA, 4). Williams’ point is that, since ‘consent’ is a psychological concept, and so any act of consent a psychological fact which, in spite of the legal consequences it can have, it is not a legal concept as such. Fraud, being a legal concept, he continues, cannot destroy facts, but only “things of the imagination”, like rights, and so it follows that we must be content to say “only that fraud shall vitiate consent *as a matter of law*”, that is, “that fraud shall destroy (not consent but) the legal effects that would otherwise follow from consent” (TKEA, 3)⁴⁶.

⁴³ Unless, of course, it had been arranged beforehand between the two of us, ropes, apple and all, which would be weird in quite another sense.

⁴⁴ The quotation is from Jonathan Barnes’ Oxford translation of Aristotle’s *Complete Works*.

⁴⁵ For more criticism of Williams by Anscombe see her review of his *The Sanctity of Life and the Criminal Law*, published for the first time in HLAE, 243-248; and also, with Joe Feldman, her “On the Nature of Justice in a Trial”, *Analysis*, 35/2, 1972, 33-36.

⁴⁶ Anscombe is quoting from Williams, Glanville, “Mistake as to Party in the Law of Contract: Part I”, *Canadian Bar Review*, 23, 1945, 271-292

Williams' mistake is not to realize that "[c]onsent is consent to something" (ibid.), that in order for the maxim to have application we must specify the object of the act of consent in question. What fraud destroys is then not the psychological fact that someone consented. The point of the maxim is to say that if there is a difference between the description under which what occurs is given and the description under which what someone thinks he is doing is given, then the person has not consented to what occurred. A blind man signing a contract to buy an apartment in Newham has not consented to buy it if the contract read to him referred to a mansion in Kensington 8. The point here is evidently one about knowledge: if someone does not know he is doing something he cannot be said to have consented to do it, for if he does not know he is doing *X* his action is not voluntary.

This is not quite so general; it will depend on the kind of action performed, since, though it is true that there are "some descriptions '*X*' of things done that cannot hold unless the subject knows he is doing *X*" (e.g. marrying) and "some that can hold though the subject does not know he is doing *X*" (e.g. stepping on the bride's toes), there are also kinds of descriptions which fall in between (e.g. murder) (ibid., 4). This is so where one can talk of voluntary ignorance, of there being something "one ought to know and can know" (S, 132), that is to say, when one *omits* to know something one had a duty to know, meaning by 'omission' not that one just did not do the thing, but that one is guilty of one's not-doing, for, again, "it was both possible and necessary for the will (or: the agent) to act, and it (he) did not" (MME, 273)⁴⁷. Conversely, one will be guilty of a positive action when it was both possible and necessary for the agent not to act and he did act. Murder is of this kind.

⁴⁷ Anscombe is translating from Aquinas, *Summa Theologiae* 1a 2ae q.6, art. 3.

To say the first about a certain situation is to say that a moral obligation was violated, and to say the second is to say the same about a moral prohibition, for if the concept of necessity evidently implies a prohibition or an obligation, the concept of possibility will determine whether the prohibition or obligation in question does or does not apply. What sense of necessity is here involved is yet to be explained, though, as I have said, Anscombe took it from Aristotle's *Metaphysics*: 'Things are in this sense necessary when without them some good can't be got or some evil avoided'. 'Possibility', however, can have many senses: a thing can be possible because it is easy to get or do but impossible to get or do because one is under constraint, for example, so we can perfectly understand what is meant by 'possible to know'.

Granted that murder is forbidden, whenever it is possible that one could know that by doing such-and-such one would be committing murder, ignorance of it is guilty ignorance, and so it cannot exonerate. Conversely, whenever one could not know that by doing such-and-such one would be committing murder, then ignorance exonerates, for here the doctrine of *mens rea* is not applicable, and so an appeal to good faith can be made. Ignorance, however, can be of two kinds: it can be either of fact or of law. A case of ignorance of fact would be such that "if a man wrongly, but genuinely and reasonably thought that the circumstances were circumstances XYZ and if in circumstances XYZ he would have the right to [kill a human being], then this would not be [murder]; while ignorance would be of law "if a man were right enough as to the circumstances but erroneously, though genuinely and reasonably, thought that in *those circumstances* he had a right [to kill a human being]" (TKEA, 6).

Later on Anscombe adds that "the rationale of being exonerated by ignorance of principle is itself the same as that of being exonerated by ignorance of fact", again, "if the possibility of knowledge [is] lacking, because of the difficulty of the question"

(ibid., 9). That ignorance of fact in the circumstances mentioned exonerates is, I think, plain: I doubt that anyone would disagree that it would be innocent ignorance if a soldier under aggression would shoot a civilian whom he genuinely and reasonably thought to be an enemy (e.g. he had a helmet and was dressed in khaki, he was pretending to shoot with a plastic gun and had a device which simulated the sound of one, etc.).

In what regards ignorance of law, however, it seems to me that it can only be so if by 'law' Anscombe means 'human law', and by 'murder' the legal concept of murder. In this sense it is true. However, if natural law is supposed to be covered, it is clear that ignorance of law could not exonerate, for that law is supposed to be attainable by unaided reason, and so culpable responsibility can only be denied if one cannot be said to be a responsible agent at all. Remember that we have seen that Anscombe did not believe any moral truth would be revealed *per se*. If the natural law is, then, true and attainable by "unaided" reason, to know it is possible for any human being whose reasoning powers are not diminished or annulled. Therefore, ignorance of natural law can never exonerate.

§19. Up to now, the investigation of Anscombe's account of voluntariness has yielded the following results: (V1) an action can be voluntary under one description and not under another; (V1.1.) that this is so because the presence of a description of a brute fact which is a true description of what he is doing will make any description of what he is doing true, even though he ignores the information added to the brute fact; (V2) an action is *not* voluntary if the agent neither knows nor can now that he is doing it; (V3) an action *is* voluntary if (a) the agent knows through observation that he is doing it, or he does not know but could know (i.e. he could discover) that he is doing it; (b) he foresaw that it would result from an intentional action of his and did not refrain from

pursuing his intention; (c) he takes delight in it though it was not his doing. Further, we have seen that, (V4) if an agent does not (a) *know* that he is doing something, but could know he is doing it and it was necessary that he did not do it, then he is guilty of violating a prohibition though his action is not intentional; and that if he is (b) *not doing* something which he could and should be doing, then he is guilty of violating an obligation though his omission is not intentional.

Our account, however, is not complete. We still have to explain: what is a brute fact to understand (V.1.1); (V.1.1) in the light of (V3a); (V3b) in the light of V(1.1), (V3a), V(3c) and (V4); finally, the concept of necessity employed in (V4) to explain (V4). To add to these difficulties, Anscombe concludes TKEA with what look like two further problems:

what one describes [an] action as, when considering what is, e.g., forbidden does not bring in the conditions of imputability. The context [*sc.* Hume's point about arboreal parricide in the *Treatise*] requires that what one is saying to be good or bad to do be voluntary actions – and anything that proves that *under such and such a description* what took place was not the subject's voluntary action will affect what can be *imputed* to him. The topic [*sc.* exoneration through ignorance] is further complicated by the fact that imputability of some actions, like murder, is built into their meanings. (9)

§20. Anscombe invented the expression 'brute fact' in order to face Hume's thesis that truth about moral matters is merely a question of *goût spirituel*, which is to say that there is no truth in them, and so that one cannot jump from an 'is' to an 'ought'. What is important about brute facts is their relation to higher-order descriptions, such that, in Anscombe's example, owing the grocer is a higher-order description of a fact, relative to which the grocer's having left a bunch of potatoes in my house is a brute fact:

In relation to many descriptions of events or states of affairs which are stated to hold, we can ask what the 'brute facts' were; and this will mean the facts which held, and in virtue of which, in a proper context, such-and-such a description is true or false, and which are more 'brute' than the alleged fact answering to that description (BF, 24).

Anscombe then states six relations which "at least some times hold between a description, say *A*, and descriptions, say *xyz*, of facts which are brute in relation to the fact described by *A*:

(1) There is a *range* of sets of such descriptions *xyz* such that some set of the range must be true if the description *A* is to be true. But the range can only ever be roughly indicated, and the way to indicate it is by giving a few diverse examples.

(2) The existence of the description *A* in the language in which it occurs presupposes a context, which we call 'the institution behind *A*'; this context may or may not be presupposed to elements in the descriptions *xyz*.

(3) *A* is not a description of the institution behind *A*.

(4) If some set holds out of the range of sets of descriptions some of which must hold if *A* is to hold, and if the institution behind *A* exists, then 'in normal circumstances' *A* holds. The meaning of "in normal circumstances" can only be indicated roughly, by giving examples of exceptional circumstances in which *A* would not hold.

(5) To assert the truth of *A* is not to assert that the circumstances were "normal"; but if one is asked to justify *A*, the truth of the description *xyz* is in normal circumstances an adequate justification: *A* is not verified by any further facts.

(6) If A entails some other description B , then xyz cannot generally be said to entail B , but xyz together with normality of circumstances relative to such descriptions as A can be said to entail B ” (BF, 24).

§21. Let us imagine a case and, taking Anscombe’s relations as instructions, follow them closely. We suppose two action-descriptions, A and B , such that A entails B : ‘Laius was murdered’ and ‘Someone sought Laius’ death’. The existence of the description ‘Laius was murdered’ in English presupposes the existence of the institution behind it, which we call ‘Law’ – it goes without saying that ‘Laius was murdered’ is not a description of this. Let us now imagine a range of sets (singletons, for brevity’s sake) of descriptions xyz which are brute relative to ‘Laius was murdered’: (x) ‘Laius was killed’, (y) ‘Laius was beheaded’, (z) ‘A man beheaded Laius’. It is clear that the institution behind ‘Laius was murdered’ is not presupposed to x , y or z , for lions kill, praying mantis behead, and man let blades fall. Now, supposing x , y and z all hold, and since we know that the institution of law exists, we can say that in normal circumstances ‘Laius was murdered’ is true and that there are no further facts to verify this. Finally, x , y and z by themselves do not entail ‘Someone sought Laius’ death’, but together with normality of circumstances relative to such descriptions as ‘Laius was murdered’ they can be said to entail ‘Someone sought Laius’ death’.

Let us imagine exceptions to normality of circumstances, though before that we can jettison x and y as irrelevant: if a man was beheaded by a man, he was beheaded and he was killed, in the sense that his death was not natural. According to our criteria we have two routes to follow. If the man who killed Laius, let us call him Oedipus, acted intentionally, the only possible exception would be this: Laius is not innocent and Oedipus is invested with the right to kill by the authority of a just State. If, however, Oedipus was not acting intentionally, there will be no murder if the action was

involuntary: either the blade was not under his responsibility (he was a mere cause; there is an infinity of possibilities here) or it was, but he did not know nor had any way of knowing that that blade would come across Laius' neck (he is callable, though exonerated under our criteria for exoneration through ignorance of fact).

But now let us consider how we are to impute the murder of Laius to him in the case where his action, which we have described as 'Oedipus beheaded Laius', though not intentional, is yet voluntary. The description 'Oedipus killed Laius' states evidently a brute fact relatively to it. To say that there is no murder is to say that the description 'Oedipus killed Laius' is equivalent to 'Oedipus caused the death of Laius', where 'caused' means '*merely* caused'. One case where this would be true is the following: someone pushed Oedipus and put a sword in front of him, so that he stumbled against it and it fell from the balcony, cutting Laius' neck, who was just passing: that he is a mere cause is shown by the fact that we would say '*It* (the blade) cut Laius' neck', which is not a description of an action.

To impute murder to Oedipus, on the other hand, is to say that Oedipus is callable for the death of Laius and that he cannot be exonerated: his responsibility is guilt. As we have seen, responsibility for a voluntary action entails guilt in two circumstances: (1) something which ought and was possible to be done is not done, either because there was wilful ignorance that the circumstances were such that the event falls under a certain obligation, or because there was wilful ignorance of the obligation itself – this is voluntary omission; (2) something forbidden, and possible to avoid, is done, either because a prohibition is wilfully ignored or because there is wilful ignorance that the circumstances in question are such that it is in force – this is guilty voluntary (positive) action. The matter is, again, one of *possibility* of knowledge.

Let us now imagine a range of action-descriptions brute relative to ‘Oedipus killed Laius’, keeping in mind that Laius died because his head was severed with something sharp: (q) ‘Oedipus hit Laius’, (r) ‘Oedipus hit Laius neck’, (s) ‘Oedipus hit Laius neck with an object’, (t) ‘Oedipus hit Laius neck with a sharp object’, (u) ‘Oedipus cut Laius’ neck’, (w) ‘Oedipus let fall a sharp object on Laius’ neck’, (w’) ‘Oedipus hit Laius neck with the sharp object in his hand’, (w’’) ‘Oedipus thrust a sharp object against Laius’ neck’. Under which of these descriptions is it voluntary and under which not? It will depend. However, we can see many things clearly: they cannot all, as a whole, be descriptions of his action: if w’’ is true, since ‘holding x ’ is built into ‘thrusting x ’, w is false, though if w’’ is false, w and w’ can be both true or both false. We can also see that if s holds q holds, if r holds q and s hold, and indeed that if any w-description holds, q holds, but that this is not true the other way around: every description (excepting those in the w-range) in the range is brute relative to the one which follows it and higher-ordered relative to the one that precedes it.

This means that the truth of any of the descriptions above, except inside the w-range, entails the one that precedes it. This, in turn, means that voluntariness has, as it were, a viral nature: if q is true and voluntary, then all the others, including those in the w-range, will have something of the voluntary in them, since they can all be defined with the formula ‘ $q + n$ ’, where ‘n’ is a further fact about what happened; and also that if u is true and voluntary, all the preceding descriptions will be true and voluntary. From the nature of the case (i.e. taken that cutting a human beings neck is, in normal circumstances, killing a human being) if u is true and voluntary it follows that the death of Laius is a killing, and *now* not simply in the sense of non-natural death, but in the sense that it was a voluntary causing of death. Hitting a human being in the neck, however, need not cause death (e.g. if we hit him with a finger in normal circumstances

he will not die) and so the truth and voluntariness of q does not entail that the death of Laius was a killing in any other sense than that of being a non-natural death; nor, in fact, would this follow if it were intentional, for if all the other descriptions were false, in normal circumstances, Laius would not die, and so there would be no question of guilt or innocence.

That question would be pertinent only supposing u to be true. If it is, can Oedipus be exonerated? If so, how? I have said that if q is true and voluntary the descriptions that follow *it* (not ‘follow *from* it’), being true, will have *something* of the voluntary. I will qualify that ‘something’ in a moment; what is immediately of importance is that if q is *not* voluntary, then the others will necessarily have *nothing* of the voluntary in them, for they are all “hittings”. Thus, if q is not voluntary the death of Laius is not voluntary. Of course the denial of the voluntariness of q can be made in several ways, there will be infinitely many circumstances in which it will be involuntary, but that is another problem.

But why have I said that something of the nature of voluntariness will be present in all the descriptions which follow q if q is voluntary? Does not this mean that they must, then, be voluntary, having something of it in them? That that is not so can be seen from the following. I have called this feature of voluntariness its ‘viral nature’. In the progression of a viral infection there is phase which is called its ‘period of incubation’, meaning that someone or something infected with the virus will not all of a sudden, nor necessarily, develop the disease, for the virus will not immediately, and may *never*, produce symptoms, either because it will remain latent or because it is destroyed. To say that u will have something of the voluntary in it if q is voluntary is to say that it has the virus but that we cannot yet say whether it has the disease. In other, more philosophical, words, it can be *potentially* while not *actually* voluntary. If we do not yet know whether

Oedipus' hitting of Laius' neck resulted in the severance of his head, we do not yet know whether *u* is true, but if we know it *did*, and so that *u* is true, then it is *potentially* voluntary. When then will it be *actually* voluntary? When the severance of the head was voluntary. Putting this in a more general way: in the formula '*q + h*', which signifies 'Oedipus cut Laius head' where '*h*' is the further fact described as 'the head was severed', until we know whether *h* was voluntary, *u* is *potentially* voluntary; if we discover that *h* is voluntary, then *u* is *actually* voluntary. Evidently, if the severance of Laius' head was not voluntary, then *u*, though true, is not voluntary, and so the killing of Laius is not voluntary under the description 'Oedipus cut Laius head', but, since having his head cut off was the death of Laius, Oedipus is exonerated. By our criteria, there are three ways in which this could be so: (1) if it is was a case such that it would be impossible, either because it was physically impossible to avoid cutting Laius' neck, or (2) because there was no way of knowing that it would happen⁴⁸; or (3) if Oedipus did not, because he *could* not, foresee that what he was doing at the time would, in the specific circumstances of that time, conduce to the beheading of Laius.

The third condition deserves qualification, for as it stands it is not much different from the second. It could, in fact, be said that there is *no* difference, for to foresee that some state of affairs will hold is to know that it will hold. This would, however, be due to emphasising the wrong matters: someone who says this is emphasising 'to know' and 'to foresee' and forgetting the rest. The rest, however, introduces an important difference. In (2) knowledge is knowledge of what 'would happen', while in (3), *if* there is knowledge, it is knowledge concerning 'doing *this* will lead to *this* under *this* circumstances'. Foresight is knowledge of future matters of fact, so we can substitute

⁴⁸ 'It' of course means 'the beheading', not 'the death': any normal human being knows he is holding a dead man's head if it is not attached to a body

‘knowledge’ for ‘foresight’ in (2). But *can* we? Only if ‘knowledge of future matters of fact’ is an adequate definition of ‘foresight’. And is it? At the face of it, it is. Beneath the face of it, however, perhaps not, for the possibility of foresight implies the possibility of knowledge of circumstances, whereas in (2) that possibility is not open: what is being said is that the death of Laius could not even cross his mind, which of course means that he could not even think of considering the circumstances in which that would happen – it is not the case that he could know the circumstances but that that knowledge would be so difficult to obtain that he can be excused for not having attained it; no, knowledge of circumstances is declared to be impossible, and so *talk* of circumstances is absurd.

In (3), on the other hand, it is essential, for our saying that he could not foresee what his action would conduce to implies that there are circumstances to be known, but that that would be so difficult that he can be excused, and even exonerated, for not knowing them. More simply, the difference between (2) and (3) is that we can speak of degrees of foresight but not of degrees of knowledge – foresight, contrary to knowledge, admits of calculation of probabilities. This is related to the second principle we saw Anscombe arriving at when she splits the package doctrine of double effect: “The intrinsic certainty of the death of the victim, or its great likelihood from the nature of the case, would exclude moving the rock” – moving the rock would then be murder. But surgeons, for example, do operate people despite the fact that sometimes the likelihood of death is very great, so what is the difference?

We will see that anon, but first, it will be expedient to state in abstract terms the conclusions we arrived at when considering what I called its ‘viral nature’ and make some remarks on its application. Thus: ‘To say that an action *A* is voluntary is to say that, of all the descriptions which are true of it, though it may be potentially voluntary

under many of them, it is actually voluntary under at least one. This description, which we call 'A', is a relatively higher-order description of A composed of at least two descriptions. One of them, 'd', is a description of a relatively brute fact d^{49} which we know to be true and which is supposed in the other descriptions in the sense that their truth entails the truth of 'd'. Where d is actually voluntary, 'A' will be potentially voluntary if we do not know whether a further fact f described in it, which we call 'f', is a result of d the bringing about of which is actually voluntary: if the 'f' is false, then the whole description 'A' is false, notwithstanding the truth of 'd'; if 'f' is true but f is not actually voluntary, then the whole description 'A' is true but A is not actually voluntary; if 'f' is true and if f is actually voluntary and, in normal circumstances, sufficient for the occurrence of A, then the whole description 'A' is true and A is actually voluntary under it'.

Let me put this in a simpler form: an action A will be voluntary whenever there is a true higher-order description of it 'A' under which it is actually voluntary, 'A' having the form ' $d + f$ ', where 'd' is a true description of a brute fact d and 'f' a true description of a further fact f which is an actually voluntary result of d. Further, it must also be the case that, in normal circumstances, f be sufficient for the occurrence of A.

⁴⁹ It need not be the *most* brute. 'Oedipus has made something go against Laius' is brute relative to 'Oedipus hit Laius'. This shows also that someone who might object that an infinite regress is involved here would be wrong: a description brute relative to 'Oedipus has made something go against Laius' would not be a description of a human action, and so would be ruled out.

In my example, *A* was the killing of Laius, '*d*' was 'Oedipus hit Laius', '*f*' was 'The severance of Laius' head', and '*A*' was 'Oedipus hit Laius + the (resulting) severance of the head of Laius', which is equivalent to 'Oedipus beheaded Laius'. Since the severance of a human being's head is, in normal circumstances, sufficient to kill him, the truth of '*d*' and '*f*', *plus* the voluntariness of the events corresponding to them, entails that '*A*' is a true description of *A* under which *A* is voluntary, while the truth of '*d*' and '*f*', *minus* the voluntariness of the events corresponding to them, entails that '*A*' is a false description of *A*, and so that *A* is not voluntary.

This, I think, is a first step towards a solution of one of the two problems Anscombe drew from Hume's point on parricide: the problem that "anything that proves that *under such and such a description* what took place was not the subject's voluntary action will affect what can be *imputed* to him" (TKEA, 9). What can be imputed to him are voluntary actions, but since a voluntary action can be voluntary in one description and not under another, we will get some involuntary as well as voluntary descriptions when we try to understand something that happened with a human being as subject. Thus, there will be some things we can impute to him and others which we cannot. What can look like a problem here is that in a given range of descriptions of his action there can be sets of descriptions containing only descriptions under which the action is voluntary, others where all descriptions render the action involuntary and, finally, mixed ones. In the first two kinds of sets we have no difficulties: in the one, the action is imputed to him, in the other, it is not. The problem is, what about the third? *How* will the descriptions which render his action involuntary affect what happened?

§22. Hume's problem occurs in the context of a discussion about the question, which "only arises among philosophers, whether the guilt or moral deformity of this action be discover'd by demonstrative reasoning, or be felt by an internal sense, and by means of

some sentiment” – he then picks parricide as his study case, for the horror it generally causes, in order to reject the former theory and prove the latter:

To put the affair, therefore, to this trial, let us chuse any inanimate object, such as an oak or elm; and let us suppose, that by the dropping of its seed, it produces a sapling below it, which springing up by degrees, at last overtops and destroys the parent tree: I ask, if in this instance there be wanting any relation, which is discoverable in parricide or ingratitude? Is not the one tree the cause of the other’s existence; and the latter the cause of the destruction of the former, in the same manner as when a child murders his parent?

And it is not, he adds,

sufficient to reply, that a choice or will is wanting. For in the case of parricide, a will does not give rise to any *different* relations, but is only the cause from which the action is deriv’d; and consequently produces the *same* relations, that in the oak or elm arise from some other principles (Treatise, 3.1.1.24)

Hume’s questions are, evidently, rhetorical: we know that his answers are, respectively, ‘No’ and ‘Yes’. Now, he is somewhat right as to the first one, but wrong in thinking that it justifies the second, and so wrong about it too. What Hume is saying, in a nutshell, is that, since parricide exists among plants as well as among humans, for the facts (the “relations”) are the same whether we talk of plants or of humans, we no more need an appeal to reason to have an account of parricide among humans than we needed it when plants, which do not possess reason, were the object of our do not possess reason and there is parricide among them.

The rightness of his first answer consists in what of truth there is in saying that the facts about parricide are the same either when we think of plants or when we think of humans. And there is a considerable amount of truth in that, to the extent that what is meant are brute facts, for Hume is right in saying that as far as *these* go we cannot say that there is any relation wanting, they are the same about humans and oaks. He is, however, mistaken, and here truth ends, in supposing such facts to exhaust all that is worthy of mention in an account of human dealings.

Hume is lead by his mistake to talk of the death of an oak at the hands of its sapling as being just as much a murder, and so just as much a parricide, as it would be murder and parricide for a child to kill his father. This, of course, entails that any killing is a murder, and so, in fact, that we do not need any such concept. However, both ‘murder’ and ‘parricide’, as we well know, are higher-order descriptions, such that for a killing to be murder we require the context provided by the institution of law, and for a killing to be parricide we require the context provided by the institution of the family, as well as, in a certain sense, that of law. Since plants do not have institutions, talk of child-sapling and parent-oak is as much an extension of how humans talk about themselves as murder is: being a cause of something’s existence is not, evidently, all there is to parenthood, and, cause here meaning *natural* cause, is in fact a criterion not to apply the description ‘murder’ to a certain killing.

But this is not yet the solution to our problem, which is to understand what bearing descriptions under which a-happening-with-someone-as-subject is involuntary have on our account of it. Parricide is a good topic for this purpose, so let us examine it in the light of what we already know. The concept of parricide can be said to have two senses: in one of them the only institution required as context is that of the family, it means merely that a son killed his father, without any suggestion of guilt; in the other, it

requires the institution of the family as well as the institution of law, and it carries that suggestion. So we had better fix one of them as the sense we will use: let us pick the second.

The mythical Oedipus' killing of his mythical father Laius was not intentional, so it need not have been a murderous action. Since I have no wish of indulging in literary criticism, I will disregard any question related to respect for the truth of the mythical facts beyond the kind and the unintentional character of the action. Now, (6) 'Oedipus killed his father' is evidently brute relative to (7) 'Oedipus murdered his father'. (5) 'Oedipus killed that man with the beard', in turn, is brute relative to the first, while (4) 'Oedipus hit that man with the beard' and (3) 'Oedipus shot that man with the beard' are relative to this. (2) 'Oedipus shot his gun' and (1) 'Oedipus pulled the trigger' end the chain of decreasing relative "bruteness".

Suppose (1)-(5) are intentional. What about (6) and (7)? Since (6) is brute relative to (7), we have to settle (6) first. Does it follow from the intentionality of (5) that (6) must be at least voluntary? That is the question. What would be the conditions for the voluntariness of (6)? If my account is correct, the most relatively brute description in the series, which is (1), must be true and the fact it describes must have been brought about voluntarily: these conditions we have secured in declaring it intentional. It follows that (6) is at least potentially voluntary. For it to be actually so the further fact added in (6) must be true and voluntary. Is it true? That fact is 'Oedipus killed his father' (that we call it '*p*'). There is an Oedipus which is being univocally identified and he killed his father. Then it is true. But is it voluntary? If it is intentional, then he knows without observation that he killed his father, i.e. he is neither mistaken about what he is bringing about nor about the object which undergoes that. If it were voluntary but not intentional, his knowledge of what happened with him as subject would have been got through

observation. Further, it should be possible for him to be able to know what that happening was. Since his father and the man with the beard are one and the same man, and since 'killing the man with the beard' was the fact added to (4) which gave us (5), which we said is intentional, he knows that, which means that he knows that the hitting in (4) was a killing, that is, a death-bringing hitting. Since, further, Oedipus knows that, it only remains that he should be able to know that his intentionally death-bringing hitting was effected on his father. But this shows that what we have said about p is not quite correct. We described p as 'Oedipus killed his father' and concluded that, since there is an Oedipus univocally identified and he killed his father, then p was true. The first part, however, of that fact, 'Oedipus killed x ' was already present in (5), so the added fact to (6) is the second part, 'and x is Oedipus' father'. This means that (6) has the form 'Oedipus killed x & For all x , for all y , Oedipus killed $x \rightarrow$ Oedipus killed y '. Truth of (6) depends as much on the truth of the fact it inherited from (5), the first term in the conjunction, and on the truth of the fact added to it, the second term. Since we know the identity holds, we know that (6) is true.

So what did Oedipus do? Did he or did he not commit parricide? Since we have introduced the concept of murder into that of parricide, to ask this is to ask whether the truth of (6) entails the truth of (7), which, in turn, is to ask whether what happened was voluntary under the description (6), which, again, is to ask whether Oedipus could know that the bearded man was his father. If he could not have known, then what happened is not voluntary under (6). If we assume that that is the case, then what happened is not murder under (6), and so (7) is false, and so Oedipus did not commit parricide. Anscombe's problem comes up when we further assume that Oedipus had no business to kill the bearded man, no exonerating answer for it, for this automatically makes what happened murder under (5), which makes (7) true, and so Oedipus committed parricide.

But, since (5) and (6) are not different actions but different descriptions of the same action, what happened is murder under one description and not under another, (7) is true and false and Oedipus committed and did not commit parricide. So *what* exactly, if anything, are we to impute to him?

When we assert the truth of (7) we are, plainly, on Hume's side, for to assert its truth depends on the assumption that brute facts are all we need to know, and this for the very simple reason that, of course, there is no other kind!⁵⁰ That is to say, we are assuming that any killing is a murder and so that any killing of a father is a parricide. This means, of course, that we also assume that "a will does not give rise to any *different* relations". In this Hume has a point, for he is using 'will' much in the same sense as we use 'desire' or 'wish', that is, in the sense of a mere "cause from which the action is deriv'd". If that is all there is to the "will", and brute facts are all the facts there are, then Hume is, in a sense, right, for the will does not add any new one: a man who killed his father is not more (in fact, is perhaps *less*) responsible for killing him if he did not wish or desire it than a man who desires or wishes to kill his father but does not do it, for no man is a murderer but desire and opportunity make him so.

What we should rather say is that the desires a man may happen to have, insofar as they are not the result of decisions of his, do not allow us to impute anything to him,

⁵⁰ Someone might query this by pointing out that Hume does have the distinction, but that he does not think it applies quite as Anscombe believes, for he distinguishes between "agreement or disagreement either to the *real* relations of ideas, or to *real* existence and matter of fact" (*Treatise*, 3.1.1.9). The futility of this is shown by the fact that 'One thing does not make a group' is brute relative to 'A sheep does not make a flock'.

just as absence of desire does not exonerate. What we can impute to him is what results from his decisions to do or not to do so and so: here, he will be guilty of those he had a duty to avoid and exonerated of those where there would be no duty binding him, and further than this, when he had a duty to do or avoid something and he could have known, even if not knowing was not a positive decision of his, e.g. it never crossed his mind to find out, that he had a duty to do it or to avoid it. Where he *could* not know that acting or not acting thus-and-so would be, in the circumstances, an instance of something enforced or forbidden, there nothing can be imputed to him.

To say this is to see voluntariness, and so involuntariness, respectively as a kind of truth and a kind of falseness, such that a man's having voluntarily acted against, or failed to act in accordance with, a commandment entail the truth of what is imputed to him as guilt. Again, if it was quite involuntarily that he failed to observe a commandment, that will entail that what is imputed to him as guilt is false⁵¹. This is the meaning of the maxim that 'Error destroys action'. If this is reasonable, it entails that, granted that Oedipus neither knew nor could have known that the bearded man was his father, then (7), above, is false. This, in turn, does not entail that no murder occurred, for granted that he acted intentionally in killing the bearded man and that it was necessary that he should have not done so, he did murder the bearded man, that is, a further description of what happened with him as subject is missing, namely, 'Oedipus

⁵¹ I wonder whether such problems can be formalized. If they can, it will be very difficult, too difficult, I suspect, to be of any use. At any rate, it is clear that the falseness involved is not the falseness of 'K_AS', that is, that 'agent A knows Such-and-such', but rather that he *could not* know and it was *necessary* that he should know, and here 'could' and 'necessary' can hardly be substituted by '□' and '◇'.

murdered the bearded man', which is quite true. Oedipus, then, is to be imputed with murder but exonerated of parricide.

If someone, a Humean, insists that he nevertheless killed his father, and so committed parricide, then he committed murder, we are to answer that he is mixing things up. If all he means by parricide is 'killing one's father', which is quite open to choice, then we must teach him that what that implies is not that a murder was perpetrated, but that killing one's father, regardless of what one's sentiments may be, or what one's "internal sense", does not always constitute a crime.

§23. One very important thing we can conclude from what has been said is that to say that imputability is built into concepts like that of murder is that where there is a moral description of an action questions of voluntariness must be met. Moral action descriptions are not, however, the only kind of action-descriptions into which the concept of voluntariness is built, for it is, e.g., built into so simple an action description as 'You touched me'. But it is built into them in a particular way, for it is connected with imputability, and again with imputability in a restricted sense, for one can use that concept as if it were interchangeable with 'responsibility', as e.g. in 'Someone touched me and I think it is imputable to you', where this means just 'You did it'. In its more restricted meaning, which is also its more usual one, imputability entails guilt, and to ask for the conditions of imputability of a certain action is to ask on which conditions we can say that a person is guilty of it. 'Imputability' is, thus, the name of the third kind of responsibility for an action which Anscombe described as a responsibility which is guilt. To say, then, that imputability is built into the meaning of moral action descriptions is to say that the concepts of good and bad are also built into such descriptions. Thus it is that the normative character involved in moral matters is described as the necessity to do good and avoid evil. A moral action description will

thus be a description of an action the performance of which *can* be constrained by a prohibition or an obligation, such that to respect them is to do the right thing and to act well, and to waive them to do the wrong thing and act ill.

I do not mean to say, nor does Anscombe, that all actions falling under a moral description are either good or bad, just as the fact that the question of imputability of an action arises does not mean that there is guilt, but only that there may be guilt: we will have to consider the circumstances in order to ascertain whether there is, in fact, guilt, or if there is a possibility for exoneration. A moral action description need only, and must at least, be one “*suggesting* some *specific* goodness or badness about an act that falls under it”, for it may only be entailed that “the action was, say, good, unless some aspect makes it bad” or “bad, unless some excuse or justification either lets it have a certain goodness (...) or actually renders it specifically good”, and this is so because goodness or badness are not things attaching to descriptions, for it is “the *particular* action that is always good or bad” (AIDE, 210-211).

There is an ambiguity about this phrase which I think is not innocent, for it may be read in two ways and they are both true. In one reading of it, it means ‘it is always the action that is good or bad and never the description’, in another, ‘a specific action falling under a moral description is always *either* good *or* bad’. It could be said that the first is too obvious, but it need not be, for one may be tempted to think, e.g., that the word ‘murder’ signifies, say, a description entailing ‘badness’. This would be wrong in two ways and right in a third: it would be wrong in that ‘murder’ is not a description but a name for a class of (moral) action-descriptions, and also because a description which belongs to that class must be true in order for the action which it describes to be bad; but it is right in the sense that a description which includes the word ‘murder’ in it, if true, entails something bad was done. Further, it has a use, for together with the second

reading it entails that ‘moral’ is a term which is in order when we consider descriptions, for it will indicate that matters of voluntariness and goodness or badness are at stake, but not in order when used of actions themselves, for to say that an action is a *moral* one is just to say that it was either something good or something bad done voluntarily.

In fact, Anscombe says just that, and with the advantage that she needs only one line: “All human action is moral action. It is all either good or bad. (It may be both)” (AIDE, 209). This might sound controversial, but the expression ‘human action’ is being used in a special way, a way which excludes the overhasty objection that everything a man or a woman do is a human action, but not all of their actions are moral. Anscombe is relying on the scholastic distinction between a human action (*actus humanus*) and an action of a human being (*actus hominis*) (ibid. 208), such that human actions are understood as a sub-class of actions of human beings. That is to say, everything a man or a woman do is an action of a human being, but not necessarily a human action.

For an action to be a human action it must be possible to describe it in terms of goodness or badness, that is, it must be describable by a moral action description; and it must, further, satisfy our criteria for voluntariness. If we define ‘human action’ in this terms, it becomes uncontroversial that to say that “‘human action’ and ‘moral action (sc. of a human being)’⁵² are equivalent is to say that all human action *in concreto* is either good or bad *simpliciter*” and so that there is “no need to insert ‘morally’ and say ‘morally good or bad’” (ibid., 214).

Thus, the moral action description ‘the killing of his father’, even if true, will not be the description of a human action, though it is a description of an action of a human

⁵² The point of this qualification is the exclusion of “angels, demons, fairies or Martians” (AIDE, 210).

being, unless the action it describes was voluntary. In contrast, the description ‘the murder of his father’ is true, is necessarily a description of a human action, for there is no point in asking whether that action was voluntary, that concept being already built into ‘murder’. However, if a certain event is to be described as the killing of a father by his son, though it need not be a human action, it is certainly the raw material for one.

As a matter of fact, *all* actions which are actions of a human being are raw material for moral descriptions⁵³, and may thus be descriptions of human actions, for what we call ‘moral’ goodness is nothing but “goodness of actions, passions, and habits of action and feeling” (ibid.). This is reminiscing of the definition Anscombe gives of ethics which I have quoted several times, that it is discourse about matters concerning “human [non-technical] actions and passions”. It adds a bit more and takes a bit less, though the bit it takes is important. Since all kinds of acts of human beings are describable in moral terms, why is it that technical actions are excluded?

They are not. The point is, rather, that a technical action, when seen *qua* technical action, say, the proficiency with which one ties one’s shoes, is not as such under the scope of moral theory, but this does not mean it cannot be. Take this beet of speling – it is plainly blameworthy *as* a bit of spelling. To say this is to say that blaming it “*is* saying ‘that’s spelt wrong’”,

[b]ut is it therefore blameworthy *as a human action*? Well, it may be, or may not be: so it isn’t therefore *straightaway* blameworthy as a human action just because it is blameworthy as a bit of spelling. So its being a bit of spelling, though this does describe a human action, isn’t a complete

⁵³ “What is the ‘moral environment’ of a child? – Everything in its environment that speaks to it and to which it itself reacts with intelligence and feeling” (MEC, 224).

description of it as a human action, as subject to praise or blame *qua* human action. (GBHA, 201)

Note that “though this [bit of spelling] does describe a human action, [it] isn’t a complete description of it as a human action, as subject to praise or blame *qua* human action” does not contradict what has been said about the distinction between *human actions* and *actions of the human being*. In fact, it is a defense of it. In the essay from which the paragraph quoted was taken Anscombe is not yet using the distinction explicitly. But she is using it implicitly. This is evident when one reads ‘human action’ here as corresponding to ‘act of a human being’ in AIDE. Assuming this, let us substitute it in the passage. We get: “a complete description of it as [an act of a human being], as subject to praise or blame *qua* [act of a human being]”, which a fine description of ‘human action’ as used in AIDE.

A description of a technical action, then, which results in harm or good for human beings will be a moral description of it. If moral philosophy is possible it will concern any (technical or otherwise) action, passion, and habit of action and feeling where these appear under descriptions in terms of the voluntariness of good and evil performed or suffered.

§24. We are now in need of an account of good and evil. To give an account of Anscombe’s thoughts about these questions is, to a great extent, to give an account of natural law. We have already come across a definition of it as what is “conceived as a law prior to the setting up of positive human law” (PPDM, 257). This does not help much, at least as it stands. For one, it could be asked what is meant by ‘prior’. Remember that it appeared in the context of trying to define murder as ‘unlawful killing’. This was rejected as an acceptable definition if ‘unlawful’ meant ‘illegal’, that

is to say, if the laws being referred to were the laws of a certain community, what Anscombe calls 'positive law'. It was, however, to be retained if the laws in question are those which are *prior* to positive law both in the straightforward sense of 'prior' which means that they existed *before* positive law, and in the sense that they have *priority* over positive law – both of these meanings are also implicit when Anscombe says that "there is a moral notion of murder which positive law attempts to capture" (ibid.).

The fact that 'natural law' is an important concept in Catholic doctrine does not mean that one has to be a Catholic, or indeed a theist of any sort, to believe it. To assert its priority in time with respect to positive human law is not to say that it precedes God's creation of humanity. That would be silly. 'Natural law' means *human* natural law, that is, it is the law that befits human nature, just as an angelic natural law will be a law which conforms to the nature of angels. The creation of human natural law is not, thus, in a temporal relation with the creation of humans. Hence, as soon as one is prepared to accept that there is a human nature one is also prepared to accept natural law.

To accept it is to accept that any prescription reasonably derived from it is *at least* a directive for what is good for human beings. That is to say, even if one does not regard those prescriptions as binding, and so as being embodied in obligations and prohibitions, i.e. as laws, one may nevertheless see in what is prescribed a body of suggestions. The difference between these is that according to the latter it is assumed that the degree to which a life is regulated by what may be called 'natural *suggestions*' will be the degree to which it will be said to be good or bad as a human way of living. According to the former, however, it will be assumed that what are called 'natural *laws*' are binding in such a way that only respect for such obligations and prohibitions is

conducive to human good. To believe this is to believe two things: that obedience to the natural law is conducive to human good and disobedience to human evil, in the sense that, insofar as one does not obey, one will be *acting* badly and *faring* badly, though, at a given moment, it may not seem to one to be so. Someone who thinks of the natural law as a body of suggestions will think of it as having the authority of a medical doctor, whose prescriptions he may choose to follow insofar as they suit his ends, inclinations and desires; for someone taking it in the other way, in contrast, the natural law will have the authority of a fair judge, whose prescriptions he must obey regardless of what his ends, inclinations and desires may be. The distinction between them is thus the distinction between obeying and merely following.

Anscombe states the principle which lies at the foundation of the doctrine thus: “An imperative for men, good if taken as a first principle by anyone willing to govern his life ‘by reason’ is: Aim at what human life is for attaining”; but then she adds: “this imperative is good if there is such a true end” (S, 120). These comments prompt a few questions.

First, what is the reference of the phrase ‘such a true end’? Is Anscombe speaking of *one* end that is the true one? This will depend on what she means by the ‘what’ in ‘Aim at *what* human life is for’. For it can either mean a composite end, i.e. a number of true ends the attaining of which is what we should be aiming at, or one simple end, one thing only, which is best among all good things. If it means the former, we will be simultaneously eased and troubled, for we can come up with a considerable number of discrete, simple ends which will, as a whole, be what human life is for attaining – but then the questions arise: how are we to choose them, which ones should we keep and which ones reject? What criterion or criteria would guide us? Further, imagine there are

ten such ends, say – do we need to attain the ten or, say, two or three will do it? A question about criteria would again come up in this context.

If, in contrast, it means that there is *one* end that is true, what is it? Can we know it? If we cannot, what then? If we can, can we get it if we aim at it? If we can get it and get it, can we know we got it? What then, if we cannot? Or can we say that getting it is precisely the aiming at it, just as some say that there is no path to happiness, happiness itself being the path? Here, however, one can still ask: ‘Sure, but what is that path a path to?’ (It is unnecessary to say that, if there is nothing it is a path to, it is not a path⁵⁴.)

Finally, what if there is no end at all? Should that be appalling? Must it mean there is nothing humans as such, man *qua* man, ought to attain, or ought at least to try to attain? Does this entail there is nothing corresponding to the description ‘this does (not) befit a human’? If it does, does it make nonsense of the description ‘this is a human’s doing’? Indeed, does it mean the distinction between things human and non-human things is pointless outside the province of biology, I mean, if there are no actions characteristically human what is left to the phrase ‘a human did this’? Footprints? Genetic markers?

§25. Happily, Anscombe does a lot of the work for us. Let us begin by her comment that students of the *Nicomachean Ethics* “regularly reject the idea of a human being *qua* human having a *function*” (S, 122), and not just, that is, a function *qua* lawyer, husband or friend. We find that Anscombe is a bit on their side. This should be surprising. However, as a matter of fact, it is not, for her being on their side does not mean that she rejects Aristotle’s argument. Anscombe’s point is, rather, that ‘function’ is a misleading translation for the Greek word ‘*ergon*’ in that context, though not in others: “Aristotle’s argument is a good one: if the whole does not have something, or things, it does (the

⁵⁴ It’s a treadmill.

proper meaning of 'ergon'), how can some integral part of it have a function *in* it?" (ibid.). If, e.g. there is nothing a human body does, then how can a human arm or leg have a function in it? If there were no actions characteristic of a human body, e.g. punching, how could a part of that body, e.g. human arms, have a function? If this were not so there would be no point in calling a body, i.e. in the sense it is used in e.g. 'the heavenly bodies', a *human* body or an arm a *human* arm, that is to say, to speak of a human body is not to speak of an agglomerate of parts, but of an *organism*, a *whole* thing which works in characteristic and recognizable ways which is composed of *organs* (or members) which have characteristic and recognisable functions in the pursuit of the things the whole in which they are integrated characteristically and recognisably does.

This being so, it follows that we can talk of good and bad for a human body, such that those will be good which favour its working, i.e. the things it does *qua* human body, e.g. sleeping, eating, exercising, and those will be bad which hinder it, e.g. any excess or lack of those which are good for it, smoking, running against trains. Of course many of these things will be good and bad for other kinds of animals too, but that is no counter-argument: even if there is nothing only human bodies do, even, in fact, if there were *no* characteristics in the animal kingdom which would be only true of this or that animal, but there was, say, a range of 123 fixed characteristics such that one species would have part of the range while others would have other parts, what part of the range a species had would be what would define it as a species. What if, say, to be a beluga is to have characteristics 2-56 and 98-112, and we find one animated body which has the first range but only one third of the second? If there would be enough of them, we would perhaps call it a sub-species of beluga, if only one, a mutant beluga, which could then, if it were lucky, become the ancestor of a sub-species of beluga. The point is that,

knowing the facts, we would find a way to arrange them, that is to say, we would find or make up some criteria for our distinctions.

The truth of the point made about the human body is part of what is involved in saying that the concept ‘act of a human being’ is in order, we need only add ‘thought’, and say, remembering that we defined ‘human action’ adding such-and-such to ‘act of a human being’, that an ‘act of a human being’ is obtained by adding thought to ‘act of a human body’. Thus, thoughtless acts of a human being would still be acts of a human body, as such-and-suchless human actions were still acts of a human being, for just as ‘act of a human being’ is a wider notion than ‘human action’, ‘act of a human body’ is a wider notion than ‘act of a human being’. Thus we would obtain: ‘an act of a human being is an act of a human body with thought’.

This is dangerous, and in two ways: we can fall prey to some version of dualism; and if we do, it may, though it need not, follow that we commit an error of a graver sort, namely, that of assuming that a thoughtless human body is not a human being at all.

§26. An epigram will help here: ‘What health is to the body reason is to the mind’. This means, that what is the good of the body we call ‘health’, for a good body is a healthy one⁵⁵, and that what is the good of the mind we call ‘reason’, for a good mind is a reasonable one (and a brilliant mind, which is better, one with lots of reason in it). Thus, the definition ‘an act of a human being is an act of a human body with thought’ states

⁵⁵ It is irrelevant that we also say ‘Nonesuch has a good body’, without consulting a medical record, just by looking at it – there ‘good’ just means ‘beautiful’ and we usually assume a beautiful body to be a healthy one. The only interesting thing about it is that it shows the influence of scholasticism in the general run of man.

that when a human body's goings about are guided by reason we do (at least) have acts of a human being. When a human body is the body of a human being which *actually* has reason (and it is working well), but is not being guided by it in something that happens with that person as subject, we say that the act was either an act of a human body if it was not voluntary (mere causality), or that it was an act of a human being if it was voluntary (callability). When, in contrast, a human body is the body of a human being whose reason is impaired, and something happens with that person as subject, what kind of act we say it is will depend on the complexity of the matter, if it was too complex, in the sense that the person in question did not have enough brains to think it up, it was the act of a human body, when simple enough for him, the act of a human being⁵⁶; any act of a human body which does not *actually* have reason, we say is just the act of a human body.

§27. This was groundwork to prove that Aristotle's argument applies to 'human action', and so that it is also in order as a way of describing 'what a human does'. Another epigram will again help to prove this: 'What is health to the body and reason to the mind is good to the spirit'. Two caveats are perhaps needed here: first, 'spirit' does not mean 'soul'; second, 'good to the spirit' is not bad English for 'good for the soul'⁵⁷.

Do the remarks I made to explain the previous epigram apply to this one? They were that what is the good of the body we call 'health', because a good body is a healthy one,

⁵⁶ If, however, his reason is only momentarily impaired, and that was his fault, all his acts are *at least* acts of a human being.

⁵⁷ Though, as will become apparent, doing something good in the sense of what is good to the spirit, will also, be good for the soul. And in two senses, viz. it will be put one in good spirits, if one is decent, and, if one has a soul, it will count for its salvation.

and that what is the good of the mind we call 'reason', for a good mind is a reasonable one. Are we to say 'a good spirit is a good one'? I suspect that this is the question which has led to the opinion, when answered affirmatively, that the concept 'good' is indefinable and, when answered negatively, to that that 'good' is (just) an instrumental, or "prescriptive" notion. I will leave this for ethicists to think about.

Whether the question is a meaningful one will depend on what is meant by 'spirit'.

Consider the following remark from the *Philosophical Investigations*:

Und wir tun hier, was wir in tausend ähnlichen Fällen tun: Weil wir nicht eine körperliche Handlung angeben können, die wir das Zeigen auf die Form (im Gegensatz z.B. zur Farbe) nennen, so sagen wir, es entspreche diesen Worten eine geistige Tätigkeit.

Wo unsere Sprache uns einen Körper vermuten läßt, und kein Körper ist, dort, möchten wir sagen, sei ein *Geist*. (§36)

Anscombe translates it in the following way:

And we do here what we do in a host of similar cases: because we cannot specify any *one* bodily action which we call pointing to the shape (as opposed, for example, to the colour), we say that a *spiritual* [mental, intellectual] activity corresponds to these words.

Where our language suggests a body and there is none: there, we should like to say, is a *spirit*.

It is worthy of note that these are the only occurrences of 'spirit' in the translation, while in the original the occurrences of words derived from 'Geist' are legion. Why does Anscombe do it here? A straightforward explanation is possible here, and I think it is true: it is because the contrast between 'körperlich' and 'Körper', on the one hand, and 'geistig' and 'Geist', on the other, is more familiar rendered as 'bodily' and 'body', on the one hand, and 'spiritual' and 'spirit' on the other, than if in the place of these were 'mental' and 'mind', let alone 'intellectual' and 'intellect'. It would sound really strange

to hear anyone say ‘I just saw *a* mind’, but to say ‘I just saw a spirit’ is, especially in some circles, a thing one takes to be normal – normal *to say*, I mean. The adequacy of the translation becomes even more evident when we consider that Wittgenstein is discussing the concept of pointing to a thing. Spirits that point, walk, whistle, sing songs are frequent in all forms of fiction, minds are not.

This is, however, not all there is to the concept. If it were, then we would have here merely an act of a human being. That is to say, if pointing to the colour is all that is being done, and if it is a voluntary action, then it is an act of a human being, but we want to see whether Aristotle’s argument applies to human action. So why all this? Because it is the first of three steps for me to get to the concept of spirit I want. The second step will become clear after we consider Anscombe’s commentary of PI§36:

we can say that man *qua* body can’t be described as pointing to the colour rather than the shape. For his act of pointing to the colour is certainly a bodily act; but it is not *qua* bodily act that it is determined as pointing to the colour. This does not mean that we have to postulate a different, *another* act of pointing by a *different sort* of substance, an immaterial one — that path to the concept of ‘spirit’ which Wittgenstein implicitly criticises. But we can say that this bodily act is an act of man *qua* spirit (APSM, 16).

Contrast this with the following passage, dealing with the prohibition on murder, which, Anscombe says, is “a great charter of right to as all”, having thus priority over the right to life itself:

The prohibition is so basic that it is difficult to answer the question as to why murder is intrinsically wrongful. Some think they can get an answer out of more general principles. Here we shall rather point to the character of rational argument to shew that it is wrong (...).

The arguments are of the form ‘Obedience to this law is needed for human good’. The unit whose good the argument seeks is the human individual, considered

generally. To kill him, then, is to destroy that being which is the point of those considerations.

Why then are there exceptions? Why may some men be made targets in war, fought in civil struggle, killed in putting them down as violent law-breakers, perhaps assassinated if they are tyrants, and executed if found guilty of some crimes? The answer is that where this is so, what they receive is justice, they themselves being unjust assailants. We could not replace 'innocent' by 'healthy' and 'unjust attackers' by 'lepers' in the argument for the State's right to use violence, and come up with a sound argument for exterminating lepers. The harmfulness of lepers not being their own will, they cannot be justly attacked.

The meaningfulness of these considerations brings us face to face with the truth that man is spirit. He moves in the categories of innocence and answerability and desert — one of the many signs of a leap to another kind of existence from the life of the other animals. The very question 'Why may we not kill innocent people?' asks whether it may not be *justified* to do so, and this is itself a manifestation of this different life. (MME, 267)

§28. Let me now state my thesis about human action. To speak of the actions of a body, when that body is the body of a human being, is to speak of man *qua* body; to speak of the actions of a human being, is to speak of man *qua* rational body; to speak of human actions is to speak of man *qua* spirit. This, again, is not to say that man has a soul, what it means is precisely that man moves in the categories of innocence and answerability and desert. When I say that to describe an act of a human being is to describe a man *qua* rational body the distinction between man and the other animals is not yet quite clear: other animals, e.g. wolves and moose, can also be said to be rational, as they too are capable of reasoning from means to ends. In this sense, rationality is a matter of degree, we could say that to describe man *qua* rational body is to describe him somewhat as we describe other animals, it is to put him a little higher than chimpanzees and, to a greater extent, wolves, higher than moose, much higher than jellyfish or scorpions, and completely apart from amoeba.

I have quoted Anscombe before saying that what distinguishes “human conduct (...) from the behaviour of other animals [is not] the fact that in it calculation is used by which to ascertain the means to perfectly particular ends” (AM, 48), for animals are also capable of this, but because having “generic ends [is something that] it is human to have” (S, 121). To say that man is capable of calculating from means to generic, and not merely particular, ends is to describe man *qua* spirit.

It is, however, a matter open to debate whether the distinction between generic and particular ends is not still a matter of degree, only the difference in degree is so great that it becomes an instance of a transition from quantity to quality, as Hegel would say, and so, as many an evolutionary psychologist believes, that since that happened with human beings, then *natura facit saltus*, which means that it can also happen with other animals. Is this an objection? It could be said that, taken that all this is true, I must either say that it will be possible, in the future, when other animals have evolved, to describe them *qua* spirit, and so that any distinction based on that description is a temporary one, for when, say, bonobos become capable of having generic ends, it will be possible to describe them *qua* spirit; or else that the description is quite useless, for then will be no point in describing a man *qua* spirit and bonobos *qua* rational bodies – a distinction between men and bonobos will depend on criteria like ‘density of abdominal hair’.

§29. Let us look at it in another way. First, suppose the ability to calculate from means to ends is strongly correlated with IQ points: animals scoring 30 points will be capable of calculating from means to particular ends, while from 40 points upwards reasoning from means to generic ends begins to be possible. Imagine now a highly intelligent beaver, Ernie, and a man born with a considerably impaired reason, Ernest, both of whom score 45 points in the same IQ test applied by the same psychologist. They are both capable of having generic ends. Let us further imagine that Ernie and Ernest share

the same generic end: in the best part of their idle hours, Ernie and Ernest move their minds' eyes and put their mind's arms around the wives of their dreams, for to marry is the whole point of their lives. Finally, suppose Ernest bumps his head with a mighty impetus against a wall and his IQ score drops to 35, but that the parts of his brain responsible for memory remain unaffected. Ernie, on the contrary, continues shipshape. Are we to say that we can describe Ernie *qua* spirit but not Ernest? For Ernie can, but Ernest can no more, have generic ends.

The answer to this is related to the answer to the question 'What can Ernest remember?'. He can still remember his vivid day-dreams and picture the woman he dreamt of in his harms, granted. He cannot, however, picture the *wife* of his dreams, for one can only talk of wives and husbands if one can talk of marriage, and since Ernest, having lost his powers to have generic ends, cannot *think* of marriage, he *cannot* talk of marriage. Neither can he think 'If she were here, I would ask for a hug'', for though wanting a hug, presupposing no institution at all, is a less generic end than wanting to marry, it is *still* generic. Ernest can picture the woman, a beautiful one perhaps, and further picture and want her in his arms, but such picturing and wanting are only slightly more general than, respectively, that strange feeling one sometimes has on one's gut and wanting that woman here now.

If Ernie is a real beaver, and so does not have the concept of marriage, he cannot dream of his wife. Can he still want a hug? If he has the concept of hugging in his "conceptual scheme", certainly; if he does not, certainly not. This means that, if a beaver can have generic ends at all, he must have a conceptual scheme, that is to say, a *language* in which and with which to describe any ends at all, generic or particular. I have my doubts about it. I should like to see it proven. But let us assume it is. Does it mean we can describe Ernie *qua* spirit? If we define rationality in a minimal way, as I

have, as the capacity to reason from means to ends, then the distinction between particular and generic ends introduces a difference between kinds of nature. Bees reason from means to particular ends, so they are rational in my sense of the word, but beavers (wolves, moose, etc.; the higher mammals) also *perhaps* reason from means to more or less generic ends, so they are rational in the sense that bees, but there is something more to their rationality, so something more to their nature. Yet, they do not have, I take it, like humans do, a capacity to reason from means to generic ends *simpliciter* (i.e. without the ‘more or less’ bit), and so, if we say we can describe Ernie *qua* spirit, we elide what difference there is between beavers and men.

This can be solved in the following way: a description of a thing a man did as an act of a human being includes a description of something done as the act of a human body; a description of the latter kind said of a man entails that bodily life is part of man’s nature, which is what is meant by describing what that man did than as being of that man *qua* body; a description of the former kind presupposes this and adds that rationality, or rational life, is part of man’s nature, and so it means to describe him, in the process of describing what he did, *qua* rational body. Bees and beavers alike can, in my sense, be described as rational bodies, for reasoning from means to ends is an ability they share. Now, since to have generic ends is a condition for an animal to be described *qua* spirit, we may perhaps describe a beaver’s deed such that we describe the beaver itself *qua* spirit. Having generic ends, in the sense that wanting a hug is a generic end, is, however, a *necessary* condition to describe something *qua* spirit, in the sense of spirit I am trying to get at, not a *sufficient* one. That there is another necessary condition, which together with this makes a sufficient one, becomes clear when we consider the categories in which man “moves” that Anscombe gives above and which lead her to say that man is spirit: they were ‘innocence’, ‘answerability’, and ‘desert’.

Do beavers “move” in any of these? What does a beaver deserve? If anything, that which, were we to give it him, would be to treat him with justice. If one beats a beaver badly, Ernie himself, because he made, say, a dyke on one’s lawn, is one treating him with injustice? One is certainly being unjust, but to *him*? Should we not rather say that the lack of justice characterizes the *man*, in the sense that it was a show of cruelty on *his* part? I think we should, since to say that the beaver deserved the beating is to say that his responsibility for the erection of the dyke was guilt, it violated one’s property rights. But this means that, since we could be wrong, we beat the wrong beaver, Ernie did not do it, then Ernie is *innocent*.

There is a use of ‘innocent’ which, if one says ‘Nonesuch did nothing of the kind’, one means that Nonesuch had nothing to do with the matter, he is not *callable* for it. Ernie could be that. In the other sense of innocence, we mean that Nonesuch is *callable*, he has something or other to do with the matter, but he is not *answerable* for it, it was not his fault. Ernie, we saw, was not *callable* for the dyke, because he had nothing to do with the matter; but even if it was Ernie’s job, he would not be *answerable* for it: we could call him if we wished too, but it is guaranteed that he would not answer: he *could* not. Animal-rights advocates might say that he can, but I wonder on what grounds. Their arguments are usually quite dogmatic in character, but we need not be equal to them. The reason why he could not is that for an agent to be responsible for his actions it is necessary that he should be able to have generic ends simpliciter, ends like marriage, wealth, power. Further, it is sufficient that an agent has generic ends for him to be accountable for his actions, for we can always ask ‘What’s the good (or bad) in wanting that (e.g. power)?’. Thus, when we speak of an animal’s cruelty, we are comparing it to ourselves, for cruelty is a form of injustice, and there are no signs of a chimpanzee’s worrying about his unjust treatment of another, as opposed to worrying

over the possibility that his friend, after he beat him, will give him no more of his peanuts.

Thus, to speak of an action as an action of a human body is to describe humans *qua* body, and so human nature as bodily; to speak of an action of a human being is to describe humans *qua* rational bodies, in the sense that calculation from means to at least particular ends is present, and so human nature as rational; when we describe humans *qua* spirit we describe what they do as subject to considerations of goodness and badness, and this is the sense given to ‘human action’.

Human actions, of course, presuppose actions of human beings, as do actions of human bodies, which is to say, again, that to describe man *qua* spirit presupposes we describe him *qua* rational body and so *qua* body. Applying Aristotle’s *ergon* argument as Anscombe understands it, we said that the good of man *qua* body is called ‘health’ and the good of the man *qua* rational body reason. What is the good of man *qua* spirit? In my epigram, I called it ‘good’. It seems something indefinable was introduced here: *good* is the *good* of man *qua* spirit⁵⁸. This would be too hasty. That we cannot find a definition for a thing does not mean it is indefinable.

§30. Let me use a last epigram as a tentative definition: ‘Good is the truth of action, as truth is the good of assertion’. Since ‘truth’ is also taken to be indefinable, this is not yet to say much. Francis Bacon begins his essay “Of Truth” with the remark that Pilate was jesting when he would not stay for an answer to the question he put to Christ, viz. ‘What is Truth?’. J. L. Austin begins his essay of the same name with a comment on Bacon’s line, adding that “Pilate was ahead of his time”. If Pilate had asked ‘What is Good?’, I believe Bacon would have said the same thing, Austin would have made the same joke

⁵⁸ Let no one suppose the first ‘good’ to be an adjective.

and Christ would, certainly, have given the same answer, namely, ‘God’. The thought that that answer can be the same is important. There is, further, a way of stating it in Aristotelian terms. Saint Anselm, in his treatise on truth, defines truth, in Anscombe’s translation, as “*what assertion is for*”, which is “for signifying to be the case that which is the case” (TAW, 73)⁵⁹. According to Anscombe’s version of Aristotle’s argument, then, a good assertion is a true one, and its good is that it does what it is for. We could try a similar definition for action: ‘a good action is a true one, and its good is that it does what it is for, and it is for making the case that which ought to be the case’. If we pursue this further with such abstractness, we shall get lost, so let us be concrete.

We have considered three kinds of actions corresponding to three ways of defining man’s nature corresponding to three goods. Applying the definition to the first, we get: A good action of a man *qua* body is a true one, and its good is that it does what it is for, and it is for making health to be the case – health is the good of the body, and a good man *qua* body is a healthy man, so the end of what he does *qua* body is to promote his health; A good action of a man *qua* rational body is a true one, and its good is that it does what it is for, and it is for making happen what reasoning can make happen (i.e. to make happen certain by employing the right means) – reason is the good of the mind, and a good man *qua* rational body is a reasonable (or intelligent) man, so the end of what he does *qua* rational body is to attain whatever he wants to attain with the employment of reason. How should we apply it to the third? Let us try: A good action of a man *qua* spirit is a true one, and its good is that it does what it is for, and it is for – what? We do not know, in fact, we do not even know whether we can know. One thing that is clear, however, is that by parity of consideration it follows that whatever is good

⁵⁹ This is to be found in St. Anselm’s *De Veritate*, c.2, 4.061.

for a man *qua* spirit is what promotes, or makes true, what it is for a man to do under the description 'spirit'.

There are things which we know to be quite in accordance with that conception and others which are quite contrary to it: examples of the first would be honouring one's parents, feeding one's baby, helping one's friends in their worthy quests; as to the second, seeking the death of an innocent man, wilfully taking property not one's own and putting oneself in one's friends' spouses beds would be fine examples. Such distinctions, however, "can be made out only if man has a last end which governs all. (...) The criticism will be of the practical reasoning as not leading to the doing of good action. An action, of course, is good if it is not bad, but being inimical to the last architectonic end would prove that it was not good" (PInf, 147).

Again, though we do not, and perhaps can never, know what that end is, "it is beyond dispute that there are things it is human to do, and especially that there are ways of conducting their lives (well or badly) that are specifically human" (S, 122). This gives us the rationale of both of Anscombe's definitions of sin: sins are "behaviours against [right] reason" and "behaviours against divine law" (ibid. 119). The word 'right' is inside square brackets in the original. The point of that is to avoid the conclusion that sins are irrational. If sins were irrational in the sense that that means involuntary there would be no sins, for involuntariness exonerates.

It further avoids the fallacy in Aristotle's thesis that, in giving reasons for acting, we must "arrive at some *one* point which has an intrinsic finality about it", the fallacious nature of which is due to "an illicit transition (...) from 'all chains must stop somewhere' to 'there is somewhere where all chains must stop' " (I, 34). This does not, of course, and again, mean that there is not a final human end, but rather that that end is to be used

as a standard to judge the goodness or badness of one's actions. There is no need to know or even to have guessed what that end is, for independently of that, if one's reason is working rightly, one will act in accordance with that end, which is to act well, if not, though one will still be using reason and perhaps to a very sophisticated extent, with every possible refinement of cruelty, one will act against it, which is to act ill. Since that end is what characterizes human nature as a whole, I mean, man *qua* spirit and not just *qua* rational body, let alone *qua* body, it follows that "[a]ctions 'against reason' are actions against nature, i.e. against what we ought to do according to our nature" (S, 122). The second definition of sin, that it is behaviour against divine law, follows from the first, and adds to it the concept of obedience: "If our nature is a divine creation, the divine law would be different if the nature created was different, *and it would forbid and command the things that would then be good and bad according to that nature's needs*" (ibid. 122-123; my emphasis).

§31. We are thus back with the distinction I made at the beginning of §24: that between two men who accept the divine law, one of which takes its prescriptions as the orders of a medical doctor, and thus feels free to follow or ignore them insofar as some of his wishes overrule his consideration for his health; and another who takes them as the orders of a fair judge, and so obeys them and resists those desires which would lead him to disobey, even though at the time he believes that disobeying would be for his advantage – since the judge is fair, he knows best.

These are, of course, two of four possible cases, though there would be more if we considered *akrasia*. One such would be that of a man who obeys the judge, thus taking the natural law to be the divine law, not because he thinks he is just, but because he fears the judge: he would either think it not natural at all, or would resent his nature for being such as it is. This would be an uninteresting case.

A more interesting one would be that of another man who would acknowledge the natural law but, though not believing there is a judge at all, would always act in accordance with what it commands and never against its prohibitions: for him, the natural law is the moral law. Such a man would have developed his practical wisdom to such perfection that, whenever an occasion to do good or bad would present itself, he would recognize it as such, would feel himself compelled to do and to refrain from, respectively, the good and the bad one, and would do the former and would avoid the latter. Such a man, though a non-believer, could be said to live a Christian life, that is, though he would not believe, he would live according to Christian, and not secular, morality. He could also be said to understand the law of love in its proper sense, though he cannot judge that he does. I mean, in Christ's commandment that one should love one's neighbour like oneself, 'love' is not being used in its ordinary, secular sense. In this sense it is strictly speaking a feeling, which makes one do this and that. In this sense, love is, as Anscombe describes it, "the emotion that cannot be commanded" (CC, 190). In one sense of 'commanded' this could mean 'the emotion one cannot control'. In another sense, it could mean 'the emotion that cannot be required from one'. This, however, would either be silly, as there is a commandment on it, or would make the commandment itself look silly. But the sense of the word *in* that commandment, I was saying, does not put us into trouble, for it denotes a transitive relation: in the secular sense, love is not transitive, for 'I love you and you love him' does not mean I love him too. In Christ's commandment it does mean I love him too, in the following way: 'I love God and God loves him' so I love him too, that is, I am *commanded* to love him, though I may not in the secular sense of the world. I will express my love in the way I treat him, not in telling him what I feel. If I treat him with goodness, though I may feel some kind of dislike towards him, I am keeping the commandment. However, if I do him good

because I know the commandment, but still cherish a deep hate for him, then I do not keep the commandment. So that love is a feeling or emotion makes part of the Christian sense of the word.

A man who lived as I have described could be keeping the commandment, though he could only explain his love for other humans as love for them for the fact that they, as himself, are humans, and there is something special about it. Such a man would have what Anscombe calls “connatural knowledge” of goodness, virtue being for him “like a second nature” (KRHL, 59-60). This is a very difficult topic, but it will help to indicate that Anscombe intends to contrast it with “indifferent knowledge” or “knowledge of indifferent truth” (ibid., *passim*), which is the knowledge provided by science, meaning ‘science’ in a sense broad enough to include anything from mathematics to historiography. It will also help to point out that one of the things he knows, the most important of all, is “knowledge of the dignity of human nature” (ibid., *passim*).

This is another difficult notion, and there does not seem to be a straightforward way of defining it. We can, however, get our minds around it. One thing we can say to that effect is that ‘dignity’ is not something like the name of a set of characteristically human capacities, those capacities which enable a human to do what a human is for, be that what it may, absence of which would be absence of dignity. Anscombe’s most definite account of it is that the only “impregnable equality of all human beings (...) lies in the value and dignity of being a human being” (DHB, 67). She then moves on to explain what she means by the fact that it is “an impregnable equality” by comparing it with equality on the right to vote: when that right is taken away from some people, whatever the criterion used, equality is destroyed; the kind of equality she means, however, cannot be taken away, for it is the equality which holds between “human beings in the worth and dignity of being human”, and so, “no matter how much it is

violated (...) [v]iolations remain *violations*” (ibid., 68). This means that having a certain sort of dignity, whatever that may be, is something that belongs characteristically, though not *specifically*, to human nature. By this distinction between what is characteristic and specific of a nature I mean that what is characteristic of it is something that separates it from certain things there are, but what is specific of it separates it from everything else there is. This sounds strange; it will become clearer in a moment. We have seen human nature to be describable under three aspects, that of bodily, rational and spiritual life. Bodily life humans share with all other animals, and rational life (in my sense of rational, again) with some of them, and so rational life (bodily life being presupposed by this) is a characteristic feature of human nature, though not a specific one. Spiritual life, however, humans do not share with the other animals. Is it then specific of human nature? If one believes in purely spiritual entities, e. g. in angels, one will deny it. What if one does not? Then spiritual nature is taken to be human-specific. But can anyone make sense of the idea that man can be described *qua* spirit if one does not believe in the very notion of spiritual nature?

That one can is shown by the fact that there was no need to introduce divine attributes into the picture I sketched of man *qua* spirit. To say that is to say that human nature is such that humans pursue generic ends *simpliciter* and that ends of this kind entail mention of good and bad, the standard against which the goodness and badness of one’s actions and ends are judged being that for which human nature is. An atheist, or at least someone who declines to make a judgment on the existence of divine beings, if that is possible, will then understand the notion of spirit as a kind of fiction: man compares himself to what he imagines spiritual life would be like, extracting afterwards from his invention what he thinks is also true of himself, and thus calls it “spiritual”. Robert Frost said this better in the end of his “The White-Tailed Hornet”:

(...) As long on earth
As our comparisons were stoutly upward
With gods and angels, we were men at least,
But little lower than the gods and angels.
But once comparisons were yielded downward,
(...)
We were lost piecemeal to the animals,
Like people thrown out to delay the wolves.

Frost's point is not that we were god-like or angel-like, but rather that we were *human* for as long as we compared ourselves to what we took to be the attributes of gods and angels; and again, not animal-like, but animals indeed (*worse* than them, in fact; they are good and innocent, we are vicious) as soon as we began to compare ourselves to them. This is a deep and important insight, but I shall leave it there. For our purposes what matters is the question: 'Do Frost's readers need to believe in gods and angels to understand the poem?'. The answer is, of course, 'No'.

§32. I have already let out what the reason is why I want to say that a non-believer in divine entities cannot understand the description of man *qua* spirit. The point of the comparison between man and the angels (or God) is that, like them (and Him) and unlike the other animals, we have free will, and so that our actions, again, are subject to descriptions in terms of goodness and badness⁶⁰. But *how* is a non-believer to make sense of *these*? If the standard by which the goodness and badness of one's actions and ends are judged is what corresponds to the description 'what humans are for', a believer in the natural law *qua* divine law will have a somewhat clearer substitute for that description, namely, direct communion with God. He will, then, at least to such a degree

⁶⁰ N.B.: to say that God's actions can be *described* in terms of goodness or badness does not mean that they can *be* bad. An action can be good and still be described as bad, which just means that the description is false.

as his imperfections allow him, lead “a life of much contemplation and worship of the divine” (S, 123). What, again, will be the non believer’s choice? Pleasure? This is ruled out by the question: ‘*What for?*’, i.e. ‘What is the good of pleasure?’. If one explains, one will name a further good, so pleasure ceases to be final. If there are many, we would apply the question to each of them. Utility? Under what description?

Let us posit two: ‘the expansion of the species’ and ‘the improvement of the species’. Though it is evident that both descriptions fail the test posed by the question ‘What for?’, some think they do not, that these are indeed final ends, and that the question does not apply to them: if we ask it, we thereby produce a piece of nonsense, because their finality consists in that they are the innate instincts of our species, indeed, of any species, and we cannot inquire into the goodness of that. To me, that those are the innate instincts of humans or any species looks very much like an article of faith, but even if it is true, we can always ask if they are good, so that we may be free to indulge in them if they are, or to learn to repress them if they are not.

I pick these two because I think they more or less yield the two criteria consequentialists feel bound to use in their decision-procedures. The first yields the principle ‘It is necessary to save as many human lives as possible’, which justifies the killing of one, or at least a small number of men, if that saves us from danger incurred by a (how much?) vaster number of men; it may even, and perhaps someone has already proposed this, give a principle to bind individual human beings, e.g. ‘If the death of many will be avoided by yours, sacrifice yourself’⁶¹.

⁶¹ This might be called ‘The Lemming Principle’. We could even derive a verb from it: ‘John is a hero, he lemmed himself’, meaning that John died for our sake.

The second yields two principles: ‘Suffering is to be avoided’ and ‘Great suffering makes the life of a man worthless’, as when a man is murdered by his doctor because of the pain his incurable illness produces in him; it is clear that the suffering need not be so great, it may be just a little inconvenience, as when a mother (and a father, if they decide it together, or if he consents even if he says he does not approve) is justified if she intentionally kills her innocent baby or has someone kill it for her in order to finish college⁶². Many, if not most, people agree with the three principles.

The first, however also implies, or at least allows, that barbarous things can be done insofar as they promote the expansion of the species, e.g. rape: a motto like ‘Rape as many virgins as you can’ would make a man go far in promoting that good, as the example of Genghis Khan gives enough proof. If someone does not accept the goodness of rape as a result of its utility, then he is expressing what Anscombe meant by requiring that an explanation of ‘mystical values’ should be given before we can fully understand murder, and he would be of course appealing to a good higher than utility. As to the second, we needed only ask: ‘Define improvement’ for controversy to become maddening, it is as certain as death and taxes that someone would kick up a shindy as soon as anyone came out with a suggestion. Of course, people could settle down on one

⁶² Which is murder. If someone wishes to say that it was a dirty trick to put ‘innocent’ in the description because only humans can be innocent and unborn babies, or at least, foetuses, embryos, morulae or zygotes are not human let them prove it. A human zygote is the beginning of a human child just as a human child is a beginning of a human adult. As Anscombe remarks, this is merely “an intensely academic question” (CC, 176). By parity of consideration, if it would be murder to kill an innocent camel it would be murder to kill the fertilised ovum of a camel.

or any number of kinds of human excellence, but it is not likely that they would agree on the whole.

§33. A philosopher might now come up with one or two little experiments: ‘Why don’t we grab a bunch of fellows, put them in a little room behind a veil of ignorance, and have them decide what is permissible, obligatory or forbidden to do?’. This would, purportedly, exclude rape as a means towards human expansion, for the fellows in the room, ignoring whether they would be women or men, would invent a right to protect each of them from rape. In a similar way they would discover, or at least posit, what are the goods which fall under the second description of utility. I think this experiment begs the question. The point is: they are ignorant, granted, but their ignorance is ignorance of *what*? Since this is a feat of the imagination, they need not have bodies, they need only know that their life will be bodily and what bodily life is like. Even assuming that there is any sense in this, it is perfectly clear that they will have *reason*, and not only in my minimal sense of it, for if they can decide on what rights they are to have, they will need generic descriptions *simpliciter*, and we have seen these are inextricably connected with questions of goodness and badness. It follows that they will already need these concepts.

This experiment is a famous one. Another project of an experiment which to my knowledge no one has yet tried is the following: ‘Why don’t we grab a bunch of fellows, put them in a little room behind a veil of innocence, and have them decide what is permissible, obligatory or forbidden to do?’. Imagine that to put them behind the veil of innocence is to make them undergo a process which is called ‘rationalization’, meaning by that ‘the production of rationals’: the first step would be to put them temporarily in a coma and ensure by artificial means that their bodies are kept alive, the differences between medically induced coma and rationalization being, first, that we

know how to keep and shut the workings of practical and theoretical reason, and that we do keep the latter and shut the first; and second, that we know how to preserve self-awareness and do preserve it. If this is possible, a rational can then think of himself as having a nature, and so an end specific of that nature, hence knowledge of good and bad. Given that the end of theoretical reason is truth, a rational would have truth as his end⁶³. In this sense, good and bad would be for him to have good and bad beliefs, and doing good or bad to attain true or false conclusions, which for a purely theoretical nature could only happen because of errors in thinking, and so bad actions would be for him equivalent to logical fallacies. The natural law for rationals, then, would be identical to the laws of logic.

Suppose now that we connect the rationals in the room to each other and that they acquire the ability for other-awareness. They can now, by following each others' reasonings, judge whether other rationals are good or bad: if a rational's reasonings are frequently fallacious, he is bad, if frequently valid, he is good. Since we have shut their practical reason, they cannot be said to commit fallacies in order to obtain something else, and so they cannot be guilty or innocent of false conclusions. It follows that no rational will have the concepts of 'guilt' and 'innocence', since they cannot think of others as reasoning well or mistakenly on purpose, though they can admire and envy, or pity and scorn, each other.

⁶³ This requires that rationals must have practical reason in some sense. Now, to ask what that sense is is to ask what the relation between thoughts and actions is, I mean, not in the sense that thoughts influence actions and vice versa, but in the sense that thoughts can be said to *be* actions. This is an immensely difficult question. cf. Anscombe, "On Being in Good Faith", *FHG*, pp. 101-112, especially pp. 110-112.

Suppose half of our guinea pigs are highly accomplished logicians, they never commit a fallacy. Now let us lift the veil off half of this half. They will now be able to pursue different ends from that of theoretical truth, e.g., being the only one possessing truth. Further, we let them have practical reason again and give them the means to affect each others' reasonings. Finally, we instill in all of them except one, which we will call 'Soren', the further end just mentioned, say, by whispering in their ears. They all pursue it. What will Soren say when he wakes up? Since he does not know they have a further end, he will suppose them to be pursuing truth still, and so will say that what they are doing is not a piece of valid reasoning, since it is not a way of attaining truth.

This is what Kierkegaard means when he says that, *eternally* speaking, an innocent man cannot be punished. In a time of ebullient rebellion against Anscombe's thesis that ethics cannot be autonomous, and still, in a time, not very long ago, of lesser ebullience, I thought one could prove the badness of a man's action by showing it as the conclusion of a piece of invalid reasoning. When Anscombe says that it is wrong to think, "*in advance*, that it is open to question whether the judicial execution of the innocent" (MMP, 191) is a thing to do, I took her as meaning the same as Kierkegaard means, that is, that an innocent cannot be punished insofar as 'punishment' means harming someone for what he did. I took, again, 'judicial' in this logical sense, as I did the qualification 'in advance', and so that, when she says that a man who thinks thus has a corrupt mind, the corruption of his mind is a result from his inability to think correctly, that is, of his stupidity when we consider how obvious a violation of logic it is. I was further encouraged in believing this by the fact that she agrees, as we have seen, with "Aristotle's thesis that you cannot be or do any good where you are stupid" (MTD, 65).

I thought, then, that if we did the relevant conceptual and logical work on such concepts as 'innocence', 'justice', etc., we could prove through *modus ponens*, De

Morgan's laws *et al.* the good and evil of some actions. That is to say, I took the obligation involved in moral matters to be logical obligation. In thinking this I believed I was doing justice to the truth of Socrates' thesis, stated in Plato's *Protagoras* (345d-e) and argued for in his *Meno* (77b-78a), that no one can do evil knowing that he is doing evil. As can be seen by the considerations on the concept of voluntariness above, this is wrong. A man who thinks he can judicially procure the death of an innocent man sees the logic very well, he will not think himself as punishing him, but he thinks he can *use* him, wrong him, do him evil and still be proceeding with justice, for if he does that for greater good he will not only be excused, but exonerated of the murder of that man. The corruption of his mind lies precisely in that he does not, indeed, *cannot*, in virtue of his beliefs, of what, again, he thinks *in advance*, see his harming the innocent man as an injure on *himself*, namely, his becoming an evil man, he thinks precisely the opposite, and in this Plato was right.

§34. If there is, then, no way of making sense of the ideas of good and bad without belief in God, it follows that the notion of obligation defined by Anscombe as the necessity of doing good and avoiding evil is useless without such a framework. If there is no sense to good and bad but an instrumental one, then the necessity of doing good and avoiding evil goes by the board. A moral notion of 'ought' divorced from a natural law conception of ethics will also be divorced from goodness and evil – that is why it is obsolete and can only do harm. This is what Anscombe means when she says that ethics cannot be autonomous. Thus, we finally have an explanation for why she said that 'human flourishing' was a doubtful concept. It does not mean that she has any doubts about what it means – she does not. Rather, what is doubtful is that we can give any account of it which will suit both religious and secular views of the world.

This does not mean that a man, like the one described above for whom virtue was second nature, cannot still go on performing good and avoiding bad actions, or that he cannot be good. If there is a divine authority to make sense of the notions of good and bad, then though what he does is to be understood in constant reference to that authority, and even though he does not acknowledge it as such, he can be good. Though he will not be obeying the natural law, he will still be following it, and thus will act in accordance with his nature, that is to say, he will still, though unknowingly, be living according to the will of God which is inscribed in his nature. He will be doing what he, as a human being, is for, and thus will be flourishing *qua* spirit, that is to say, in Anscombe's words, "qua *man*, which consists in his being good" (MMP, 193). He will also be in a much higher position in what regards human flourishing than any man who, considering himself devout, yet does not obey the law, or even than the one who obeys, yet does not believe in its justice. The former one knows the judge but follows him not; the other follows, but loves him not; he follows, loves and does not know.

A last difficulty must be met: 'What if he would rather die than commit an injustice? If he is indeed killed for that reason, does his death mean he flourished as a human being? If that happens, there will be no one to whom we can ascribe flourishing'. When this is the case, a man can be said to have flourished through his death only if there is an afterlife and a judge to judge his actions in this life: if he dies for justice, he will be among the just after his death, and this is the conception of the end of man *qua* man, and the attainment of it the conception of a man's flourishing, of the Catholic Doctrine. He need not even believe in any of this.

But we forget about Ernest. Is he, or is he not, to be described *qua* spirit after his bump? To describe a man *qua* spirit is not to say he *has* a spirit. Nothing *has* a spirit, in my sense of the word. We describe many animals *qua* spirit, as when we say that a dog

is trying to console his owner, but that does not mean that dogs (or that dog) have a spirit. To describe a man *qua* spirit is to see in him the potentiality for generic ends *simpliciter*. Thus, when Ernie and the dog just mentioned are described *qua* spirit, we are seeing them *qua* humans in this and that respect, it is to say that they are human-like in certain things they do.

Since it is part of human nature to have generic ends, any man can be described *qua* spirit, even if he never had the ability to reason from means to generic ends. I mean, this ability is a necessary condition for describing an entity of whatsoever kind *qua* spirit in the sense that its nature, its belonging to that kind, *implies* potentiality for having it. Ernest, being a human being, can then be described *qua* spirit. The fact that after having bumped his head he could no more have generic ends is irrelevant. As a human being, he will potentially have generic ends, and having had them, he can still be described *qua* spirit. These two truths are revealed when we say, respectively: ‘If Ernest had been born normal he would be a married man by now!’ and ‘Remember when Ernest so wanted to marry that woman?’.

BIBLIOGRAPHY

with abbreviations used to refer to Anscombe's works

Anscombe, G. E. M., *Intention*, Oxford: Basil Blackwell, 1957; 2nd edition, 1963.

[I]

———*Ethics, Religion and Politics (The Collected Philosophical Papers of G. E. M. Anscombe, Volume 3)*, Oxford: Basil Blackwell, 1981. [ERP]

[TKEA] “The Two Kinds of Error in Action”, 3-9.

[OPJ] “On Promising and its Justice, and Whether it Need be Respected *in Foro Interno*”, 10-21.

[BF] “On Brute Facts”, 22-25.

[AM] “Authority in Morals”, 43-50.

[WM] “War and Murder”, 52-61.

[MTD] “Mr. Truman’s Degree”, 62-71.

———*Human Life, Action, and Ethics* (St. Andrews Studies in Philosophy and Public Affairs), M. Geach and L. Gormally (eds.), Exeter: Imprint Academic, 2005.

[HLAE]

[KRHL] “Knowledge and Reverence for Human Life”, 59-66.

[DHB] “The Dignity of the Human Being”, 67-73.

[PInf] “Practical Inference”, 109-148.

[MMP] “Modern Moral Philosophy”, 169-194.

[GBHA] “Good and Bad Human Action”, 195-206.

[AIDE] “Action, Intention and ‘Double Effect’”, 207-226.

[PPDM] “Prolegomenon to a Pursuit of the Definition of Murder: The Illegal and the Unlawful”, 253-260.

[MME] “Murder and the Morality of Euthanasia”, 261-278.

———*Faith in a Hard Ground* (St. Andrews Studies in Philosophy and Public Affairs), M. Geach and L. Gormally (eds.), Exeter: Imprint Academic, 2008. [FHG]

[TCM] “Twenty Opinions Common among Modern Anglo-American Philosophers”, 66-68.

[M] “Morality”, 113-116.

[S] “Sin”, 117-156.

[CC] “Contraception and Chastity”, 170-191.

[MEC] “The Moral Environment of the Child”, 224-233.

———*From Plato to Wittgenstein* (St. Andrews Studies in Philosophy and Public Affairs), M. Geach and L. Gormally (eds.), Exeter: Imprint Academic, 2011. [FPW]

[TAW] “Truth: Anselm and Wittgenstein”, 71-76.

Boxer, Sarah, “G. E. M. Anscombe, British Philosopher, Dies at 81”, *The Times*, (13 January 2001).

Crisp, Roger, “Does Modern Moral Philosophy Rest on a Mistake?”, in *Modern Moral Philosophy*, Anthony O’Hear (ed.): Cambridge: Cambridge University Press, 75-94 (2004).

Kenny, Anthony, *Action, Emotion and Will*, New York: Routledge (2003).

Richter, Duncan, *Anscombe's Moral Philosophy*, Plymouth: Lexington Books (2011).

Wiseman, Rachael, *Routledge Philosophy Guidebook to Anscombe's Intention*, New York: Routledge (2016)

Williams, Bernard, *Ethics and the Limits of Philosophy*, Cambridge, Mass.: Harvard University Press (1985)

Wittgenstein, Ludwig, *Philosophical Investigations*, G. E. M. Anscombe (tl.), Oxford: Basil Blackwell (1958).